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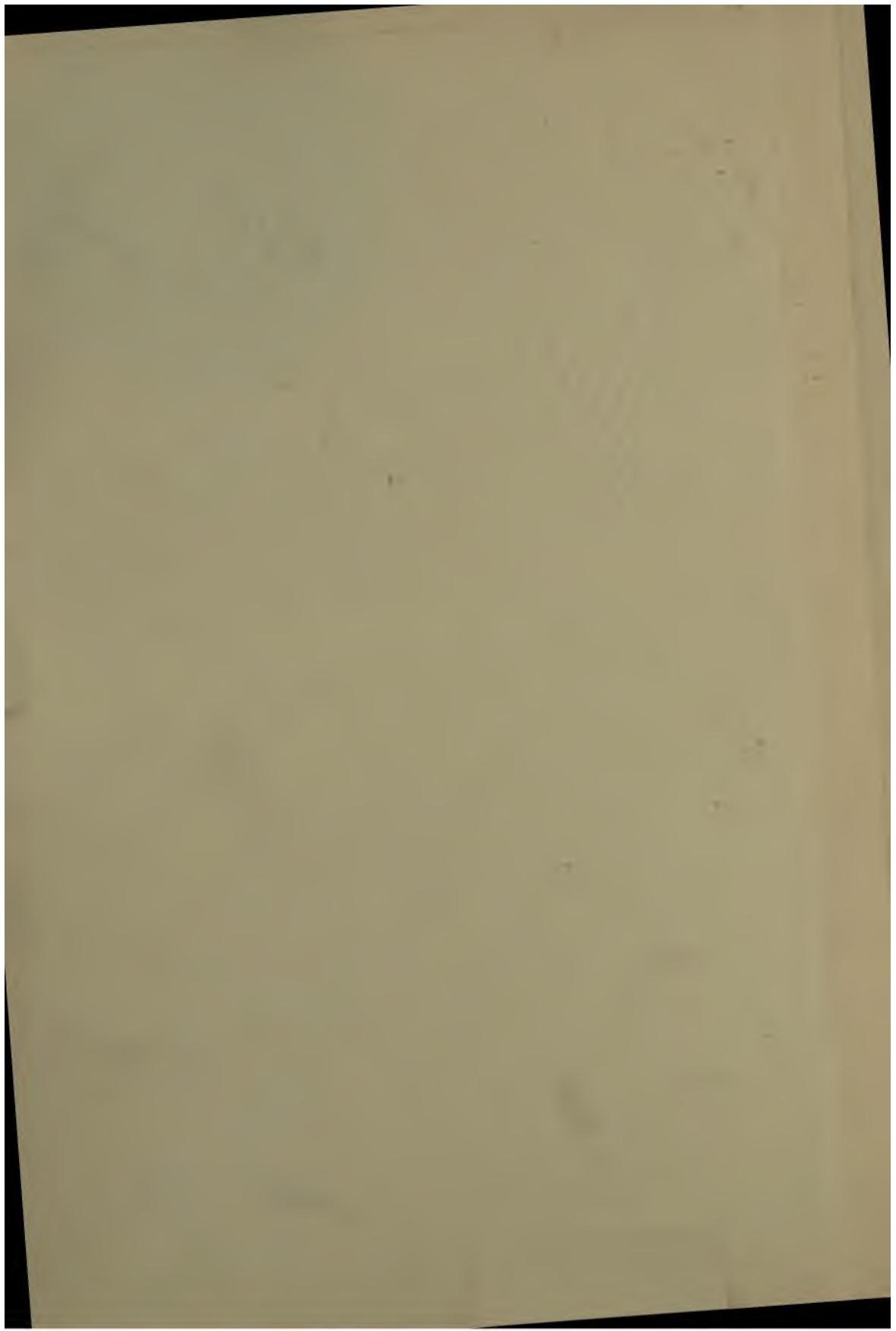
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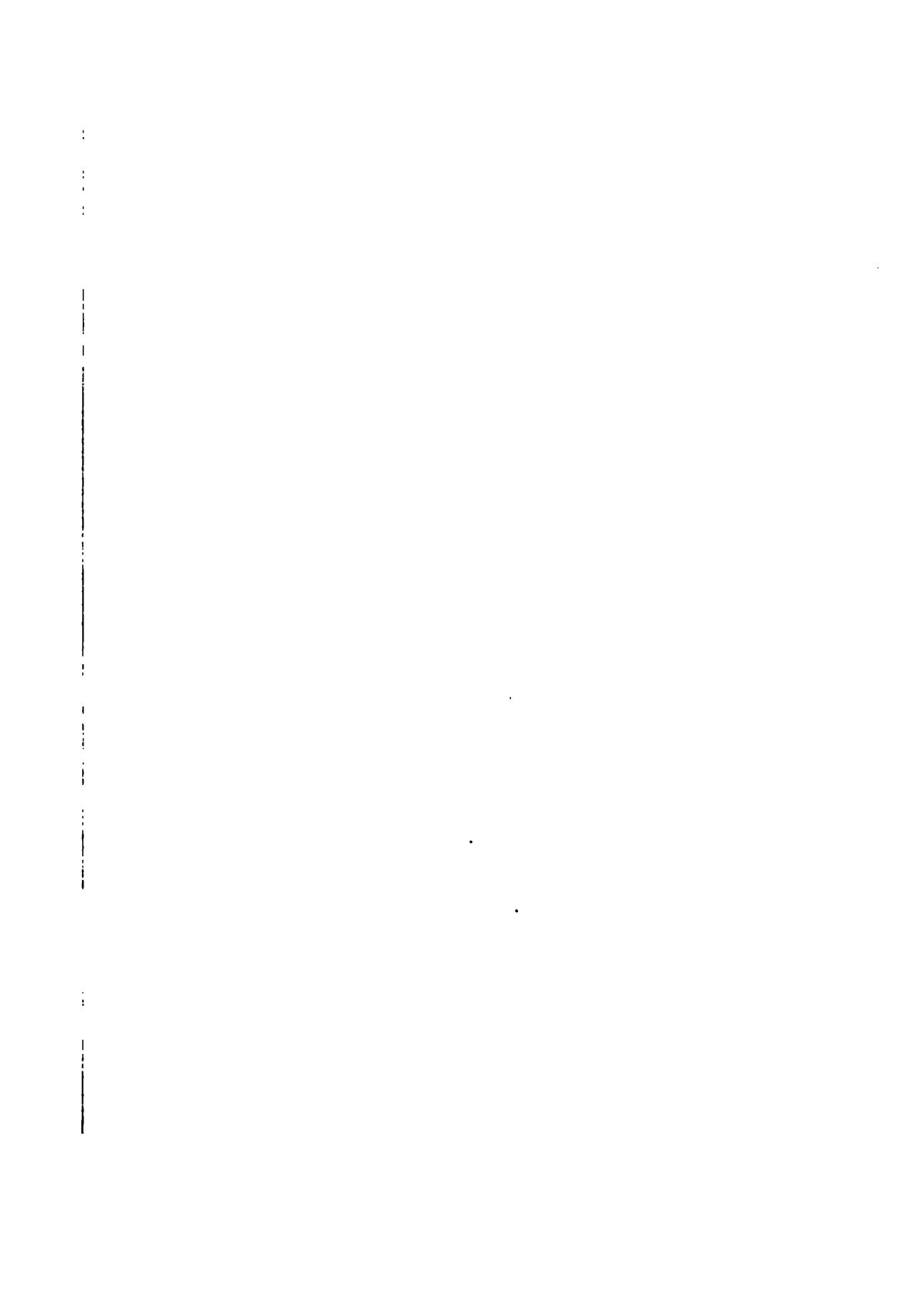
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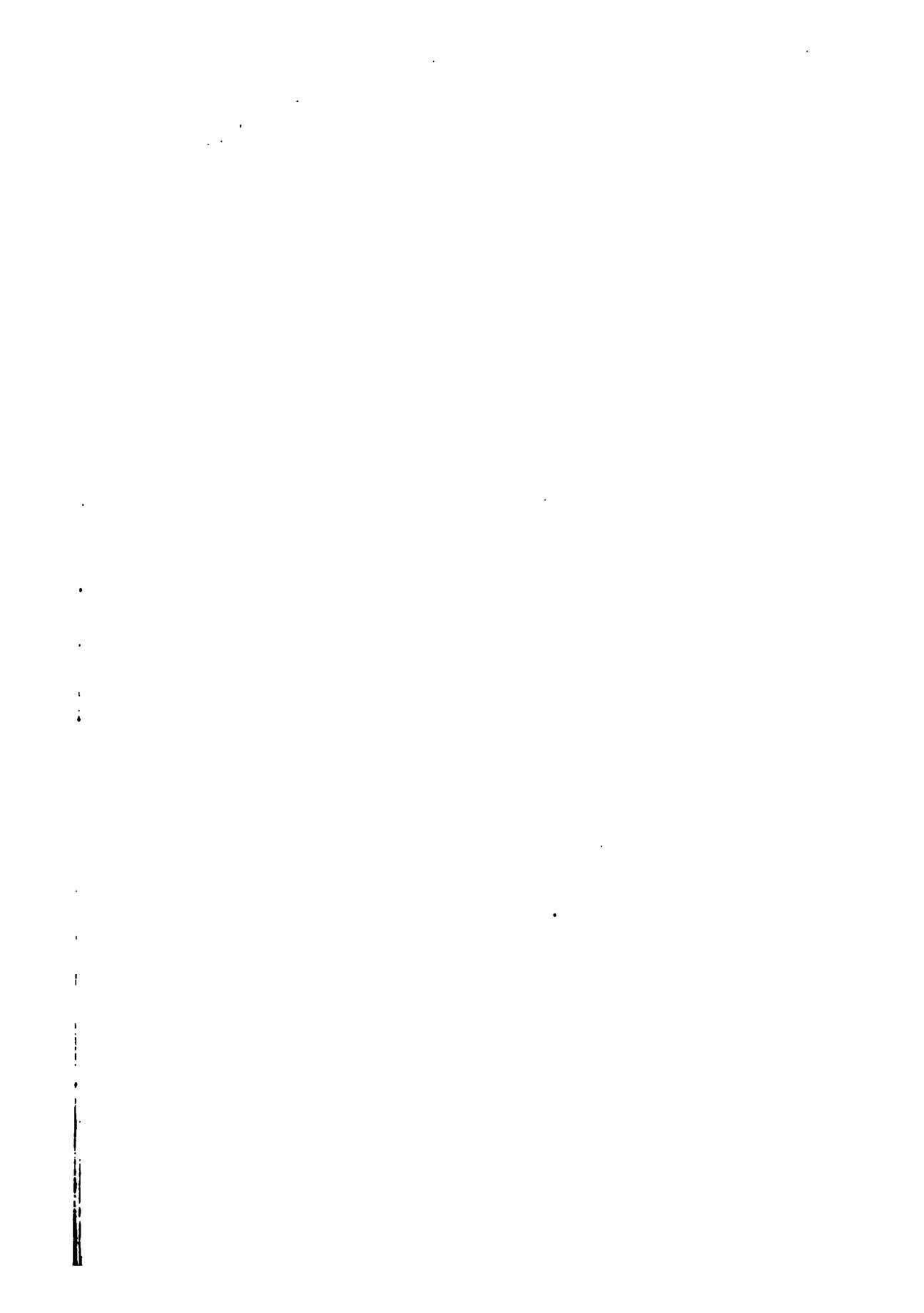
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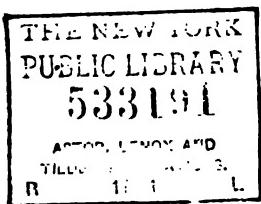
*IN FOUR VOLUMES*

EDITOR  
CHARLES ELLIOTT FITCH, L. H. D.

VOLUME I

HURD PUBLISHING COMPANY  
NEW YORK AND BUFFALO

1911



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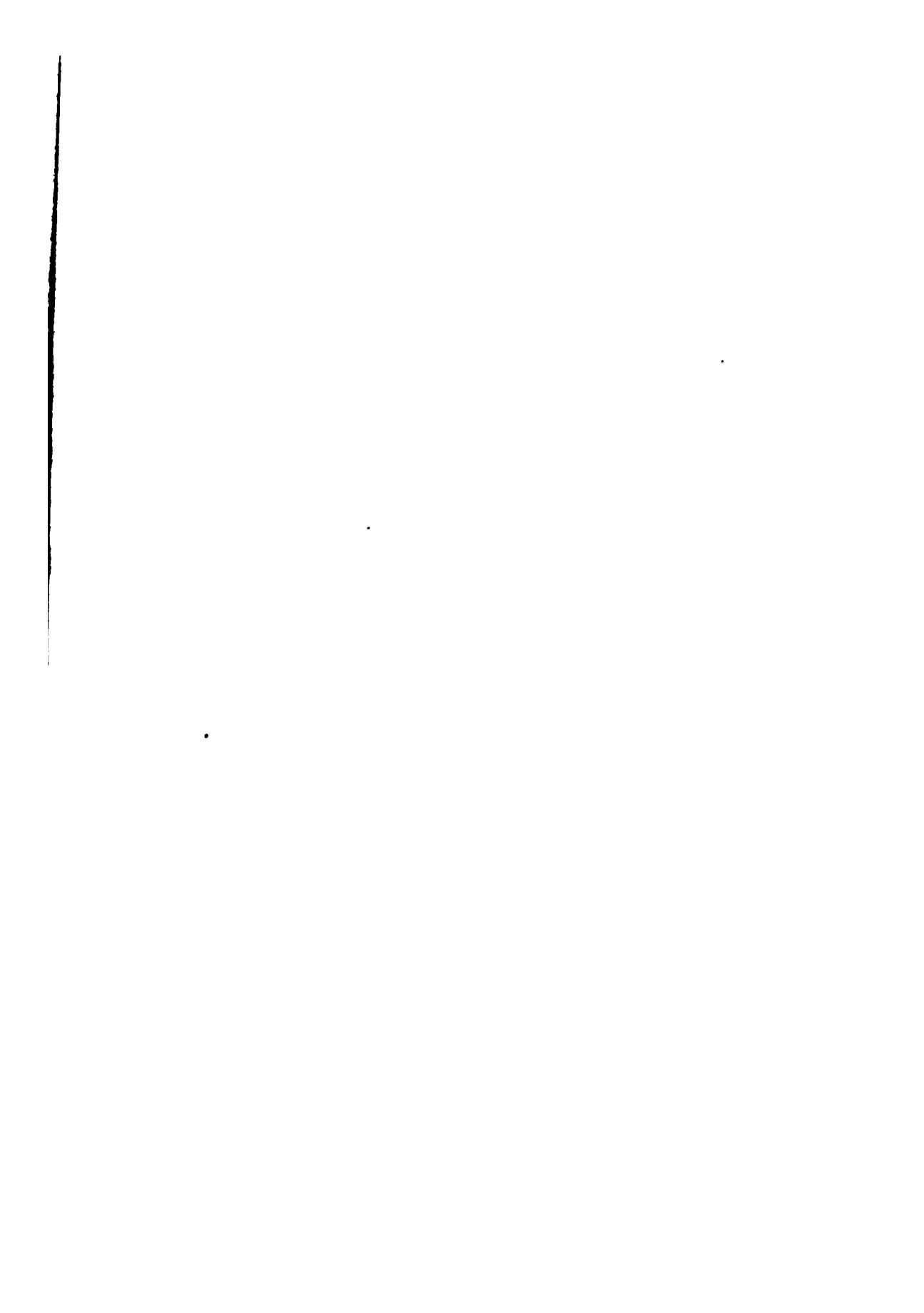


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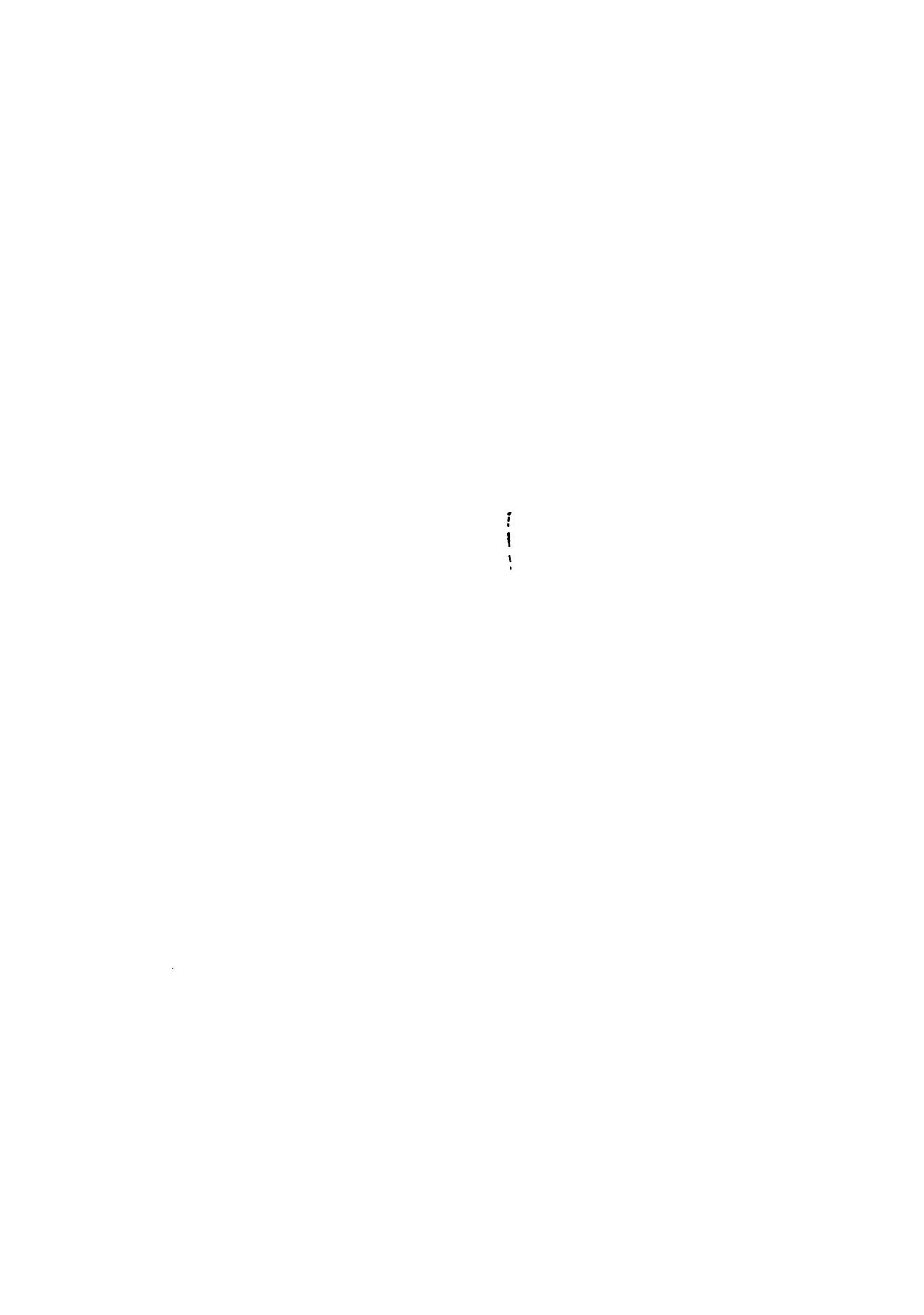




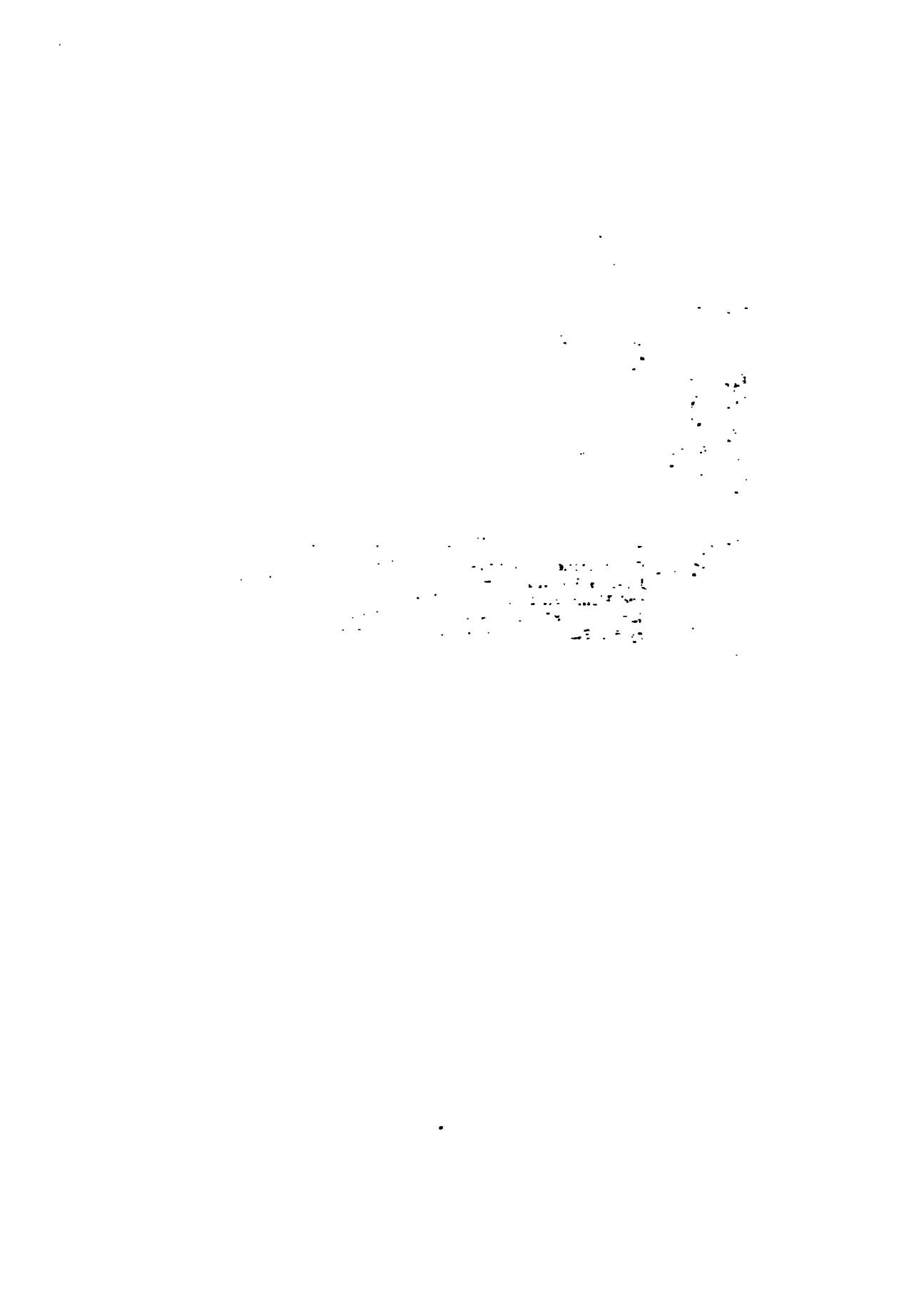
FIGURE 1.—*Residence of Dr. J. P. Morgan, New York City.*

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## THE STATION

... . . . .

**N**Ew York, the twenty-sixth in size of the  
States of the Union, is bounded by  
the Atlantic Ocean on the east, and the  
Great Lakes on the north, and has a  
geographical significance. **STATE HOUSE—ALBANY**  
letters and **Corners** stone laid June 24, 1871; architects, Thomas Fuller,  
Isaac G. Perry, Frederick Law Olmstead, Leopold Eidlitz,  
Emprise <sup>and</sup> Henry H. Richardson; first occupied by Legislature  
January 7, 1879; cost \$24,265,082. Western wing ruined  
by fire, State Library destroyed, March 29, 1911.  
Higher chiefly to the southward, the state  
continued progress in the last century, and its status  
comparatively favorable. The boundaries of the state are  
marked with natural summits, except on the west, where  
boards and iron girders sustain them. The state  
embraces parts of two great physiographic areas, the  
middle of the valley of the Hudson River, and the Adirondack  
Range, and parts of the Allegheny Plateau. The Hudson  
River and its tributaries, the Mohawk, the Chenango,  
and the Susquehanna, are the chief streams, and the state  
is intersected by a network of rivers and streams, giving  
rise to the name of "Empire State." The area  
of 47,570 square miles is divided into 62 counties.



## CHAPTER I

# THE STATE

BY THE EDITOR

NEW YORK, the twenty-sixth in size, is the foremost of the States of the Union—so ranking since 1820—foremost in population and political significance, in wealth, manufactures, commerce, letters and the arts. She is distinctively known as the “Empire State,” and her motto “Excelsior,” written broad upon her shield, is her constant monition to higher achievement and ampler jurisdiction—to the continued progress of a free, enlightened and prosperous commonwealth. Her domain is magnificent. There are States with loftier summits, deeper canyons, longer sea-boards and larger forests, but there is none which embraces more of picturesqueness, variety and even sublimity of scenery, than New York, as she lies between the 40th and 45th parallels of north latitude, at the heart of the temperate zone, with an extreme length of 412 miles and a minimum of from eight to ten miles on Long Island, to a maximum breadth of 311 miles from the Canadian line to the southern coast of Staten Island, with an area of 47,170 square miles. The eastern part of the territory is mountainous, the ranges extending generally north-

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east and southwest; the central and western parts are rolling or level land. More than one-half of the State is bounded by water. Erie, descending at the west, pours her mighty volume through the chasm at Niagara to spacious Ontario, which narrows to the still affluent St. Lawrence at the north and, past a thousand islands, seeks the sea. South and east of the major is the chain of the minor lakes, preserving in the liquid cadence of their names the memory of the warriors who dwelt among them and thence made foray against their foes. Toward the north, through the Adirondacks, on the one side, and the Green Mountains, on the other, expanding and contracting as it flows, is Champlain, which, with the fair expanse of Lake George near its head, teems with stories of discovery and adventure, of romance and renown. In a county of the southern tier are the springs that feed both the Susquehanna and the St. Lawrence and, at the north again, among the hills, the queenliest of rivers rises, cuts its channel by the Catskills and the Palisades to the harbor at its mouth, where the queenliest of cities receives the tribute of the commerce of the world. There are the valleys through which the lesser rivers run—the Genesee, the Mohawk, the Delaware; and the immense forest preserve from which Marcy and Seward and Whiteface lift their giant fronts and in which lakelets and streams are interlaced; and throughout are the fertile acres, the vineyards and the fruited trees—nature generous and responsive to the toil of man.

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Routes of communication within the State control more than one-fourth of the passenger-carrying trade and more than one-fifth of the freight traffic of the United States. They include the grand artificial water-way binding Lake Erie to the Hudson and through it to the Atlantic, and a vast network of steam railways—great trunk lines and tributaries thereto—and, of late, numerous electric roads, bringing all sections into intimate relations with each other and with the world as well. These have, in large measure, developed the resources, vitalized the industries and promoted the thrift of the villages and the enterprise of the interior cities, the most conspicuous illustration of their influence being in the mercantile majesty, the architectural splendor and, not less, in the intellectual supremacy of the metropolis.

New York is rich in mineral deposits, the chief of those mined being salt, iron ore, sandstone, limestone, fire clay, marble, granite and slate. For many years she led in agricultural pursuits, two-thirds of her soil being arable; but because of the opening of the virgin acres of the West, under benign homestead laws, and the facilities for the transportation of crops to the East, she has lost her superiority in this regard, although the raising of hay and grains, market gardening and dairying still yield profitable returns to the labor expended thereon. In manufactures and commerce, in trade and banking, she far outstrips any other American community and a number of the kingdoms of Europe. Statistics,

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elsewhere appearing in this work, confirm this statement, and the multitudinous activities with which politics, in the larger sense, must deal, are here implied, rather than specified ; but a few facts may be stated pertinently. The world's financial center is rapidly moving from London to New York. The imports at the port of New York were in 1909 valued at \$779,308,944 and the exports at \$607,230,481. The State paid \$28,637,349.37 of internal revenue taxes to the general government, being over one-eighth of the whole amount returned. The amount of deposits in the savings banks of the State was (1909) \$1,405,799,067.62, with an average of \$509.28 for each depositor. The total assessed valuation of real and personal property, estimated at 86½ per cent. of its true value, was \$9,666,118,889 in the same year. These figures are dazzling and even bewildering, but they reveal the commanding position of New York in financial affairs.

New York greatly excels any other American State in population. By the Federal census of 1910 there are 9,113,279 inhabitants. It is a population both native to the soil and composite of various racial strains, the primal one being that of the Dutch, soon blended with that of the English and crossed and recrossed, as time went on, with those of the Teuton, the Celt, the Slav and the Latin—the latter, it is sometimes claimed, being that from which the integrity of American citizenship has most to fear ; but the Italian — the latest and now the largest class of immigrants— is only one one-hundredth,

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while the entire foreign element, with the industry and thrift which it declares, is but a trifle more than a quarter of the whole body; and it may be claimed fairly that the peril from it to republican institutions is as remote as it has been exaggerated — that American capacity for assimilation of foreign peoples is not yet exhausted, nor is it likely ever to be. It is, after all, through the mingling of races that the best citizenship is evolved. "If," as says another, "New England was Puritan and Virginia was Cavalier, New York was the first to become distinctively American." So early as 1650, it is stated that eighteen languages were spoken by the residents of Manhattan Island. Gouverneur Morris, who was both an ardent patriot and an accomplished citizen of the world, said a century ago that "our ancestry may be traced to four nations — the Dutch, the British, the French and the German. It would have been strange, indeed, had a people thus formed been trained with national prejudice. We are, if I may be allowed to say so, born cosmopolite and possess without effort what others can with difficulty acquire by much trouble and great expense." The Dutch came to the Hudson to trade with the Indians and the English seized it by virtue of royal grants. The Huguenots, of Westchester, were driven thither by the revocation of the edict of Nantes, and the pioneers of the Mohawk were refugees from the Palatinate. If the Puritan divine, with pious fervor, could exclaim that "God sifted a whole nation that He might send choice fruit over into this wilderness," may

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we not affirm that he winnowed all nations for the planting of our Commonwealth?

Several races were represented in the building of the State, as well as in the founding of the Republic. Of the New York signers of the Declaration, Philip Livingston was of Scotch and Francis Lewis of Welsh blood, and William Floyd and Lewis Morris were of both Welsh and English descent. Philip Schuyler, to whom the laurels of Saratoga rightfully belong, was of pure Dutch lineage, as was Peter Gansevoort, jr., the defender of Fort Stanwix; and Nicholas Herkimer, the hero of Oriskany, was the son of an emigrant from the Palatinate. The father of George Clinton, the first Governor, was an Irishman, as also was Richard Montgomery, who fell gloriously at Quebec. Baron Steuben, to whose genius the discipline of the Continental troops was chiefly due, was a Prussian. John Jay was of the Huguenot line and Alexander Hamilton, the ablest constructive statesman the country has possessed, was of Scotch and Huguenot extraction. After the Revolution, when the waiting acres invited settlement, the Scotch-Irish found lodgment in northern and the Irish in central New York, and the copious stream of migration set in from New England, broadening from theocratic restrictions and cleansed of its bitterness, and overspread both central and western New York. It is to this composite nationality, the braiding of the strands of many stocks, more than to anything else, that New York owes her catholic and receptive spirit, her intelligence, her enterprise, her

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imperial quality — to this more than to situation, or physical resources, or far-reaching commerce, important as each is ; for all these material agencies are but the servitors of the will of the men of New York. It is men, high-minded men, who constitute the State ; and it is because of the men who have shaped her destinies that New York is the “ Empire State.”

New York is great in her history. Long before Henry Hudson ascended the river which bears his name, even before Verrazano touched Sandy Hook, New York had the best population upon the Continent. Here lived the Iroquois, those intrepid and sagacious tribes who had learned the lesson which all races that become nations must learn, that in union only is there strength. Here were their trails and hunting grounds and council fires, and here was formed that central confederacy, whose germinal principle is later found in the Constitution of the United States, revealing statesmanship of a high order, and which is yet the study of the ethnologist and a marvel to the publicist — a confederacy, also, whose alliances with both the Dutch and English settlers did much to keep the State from French control and to assure Anglo-Saxon rule.

New York owes her being as a modern State, not to lofty religious sentiment, tinged with intolerance, as does Massachusetts, nor to passion for adventure and the desire for landed estates, as does Virginia, but to Dutch aptness for trade. When in March, 1624, the little company of Walloons landed on Manhattan Island,

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the Dutch, despite their hard fighting with Spain, held the trident of the seas. They claimed New Netherland by virtue of Hudson's exploration fifteen years before and by purchase from the Indians. Money-making was their principal object, and they pursued it diligently; but they brought with them the republic of William the Silent, and, notwithstanding the vast manorial grants upon the Hudson, with the autocracy of their proprietors, the States-General gave beneficent institutions to the province and planted therein the seeds of civil and religious liberty. As Roberts, in his history, says: "While the directors were clothed with vast powers, the settlers insisted on applying the principles of self-government which they learned in their native towns. Because it was the earliest, the influence of the Dutch upon the Commonwealth has been radical and enduring." The conservation of popular rights obtained throughout the Dutch régime, in like measure with that enjoyed in Holland, representative government notably expressing itself in the procedures of the "Eight Men" of the Kieft and the "Nine Men" of the Stuyvesant administrations.

Historical detail, prior to the period of which this work treats, is not to be indulged in, but a brief review may be permitted. The record of English rule in New York is one of almost constant conflict between the assemblies and the royal Governors — the one, informed with the Dutch spirit, enunciating the will of the people, and the other asserting his prerogatives, accordant to the

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will of the Crown ; but with popular government gaining ground and more and more vindicating the muniments of the English common law with the progress of the years.

New York has ever been a leader in the cause of human liberty, and within her borders many memorable victories in its behalf have been won. It was to her forest shades that the devoted missionaries, braving hardships and courting martyrdom, bore the banners of the Cross. She erected the first common school in the land. Both the parson and the schoolmaster debarked with the trader. It was her first General Assembly, in 1683, that declared, among other things, in the "Charter of Liberties and Privileges," for an unrestricted ballot, the trial by jury, and the assessing or levying of taxes only by the action conjointly of the Governor, Council and Representatives of the people; against the quartering of soldiers and seamen on the inhabitants, except by their permission ; and that no person professing faith in God, through Christ, should be disquieted or questioned for any difference of opinion. It was to New York that Francis Doughty came for "freedom of conscience," and Anne Hutchinson found therein the spiritual peace denied to her in Massachusetts Bay. It was in Albany that Benjamin Franklin outlined his plan for a federation of the Colonies. It was in the "Stamp Act" Congress that the American Union was born ; and, if the drama of the Revolution opened in Boston and the curtain fell at Yorktown, the

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most brilliant scene was at Saratoga. There the fortunes of war, previously trembling in the balance, inclined unmistakably toward national independence. "The Revolution," says Henry Cabot Lodge, "was saved at Trenton ; it was established at Saratoga."

What a succession of stirring events New York has witnessed! Peter Schuyler, stumping the streets of the Dutch burgh in unavailing rage, as the ships of the English Nicolls appear in the Narrows ; Jacob Leisler, expiating upon the scaffold his maladroit, but well-meaning, assumption of the chief magistracy ; Andrew Hamilton, before the Court, pleading for the freedom of the press and receiving the freedom of the city ; Ethan Allen, demanding the surrender of Ticonderoga, "in the name of Jehovah and the Continental Congress" ; Benedict Arnold, performing prodigies of valor at Valcour and Saratoga and making his name infamous forever at West Point ; stout George Clinton, inaugurated as Governor at Kingston ; Alexander Hamilton, compelling, by the clearness of his thought and the cogency of his speech, the convention at Poughkeepsie to ratify the Federal Constitution ; George Washington, taking the oath of office on the balcony of Federal Hall ; Robert Fulton, on the prow of the "Clermont," as she steams through the Tappan Zee, forerunner of the fleets that are to traverse its waters ; Commodore McDonough, vanquishing the British on Lake Champlain ; DeWitt Clinton, marrying Lake Erie to the Atlantic ; William H. Seward, announcing the

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irrepressible conflict in Rochester ; the brave array of "Boys in Blue," nearly half-a-million strong, over one-sixth of the Army of the Union, marching to danger and to death for the salvation of the Nation.

Throughout the first century of the Statehood of New York, the close of which is about coincident with the beginning of the Cleveland administration, her history is one of absorbing interest — the history of an enormous growth in population, including the absorption in her social and civic life of diverse foreign elements ; the phenomenal expansion of her cities : the immense development of her resources and industries ; the successive outreaches of her commerce : the construction of numerous lines of travel and traffic : the establishment and development of her educational system ; the advances in the arts and refinements of civilization ; the transfer of the scepter of letters from Boston to New York, as the scepter of commerce, two centuries earlier, forsook the Rialto for the Zuyder Zee ; democratic principles receiving more and more of sanction in the organic law, notably pronounced in the Constitution of 1846 ; the constant enhancement of her standing and influence in national counsels. What famous jurists, soldiers, scholars, divines and educators the State has produced! What stories may be told of the rise, vicissitudes and fall of political parties, and yet almost uniformly the tale is that of patriotic purpose and the maintenance of good government.

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It is the design of this work to describe the political period that succeeds that to which reference has already been made -- to tell of the men who have been thrown into bold relief through its passing and of the consecutive administrations of those who have been at the head of affairs : but much more than the review of partisan polities will be comprehended. Politics in its widest extent, as defined in the Century Dictionary, "is both the science and art of government, or the science whose subject is the regulation of man in all his relations as the member of a State and the application of this science." Accepting this definition as a guide, a wide field will be covered. The State will be considered in her various undertakings, accomplishments and institutions — civic, eleemosynary and economic, and the activities of politics in their restricted, i. e., their partisan proclivities, as well as their manifestations in the broader sense, including the various departments of the State, county and municipal divisions.

American Commonwealths have, from the first, been governed by political parties — and those of national organization. Rarely has it occurred that a party, not of national significance, has controlled the concerns of a State — never in New York ; and herein is one of the most impressive testimonials to the stability and coherence of the Federal Union. The two parties which, with various names, have contended for supremacy, both State and National, since 1789, are those which, at the inspiration of Thomas Jefferson and Alexander Hamilton

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respectively, have long been known as Democratic and Republican, although starting under different designations than these. Without refining distinctions, or specifying minor and transitory issues and departures from fundamentals, it may be stated broadly that the principles of these parties have been, in the one, the strict construction of the Federal Constitution, embracing the postulate of State's rights, with the dissolution of the compact between the States as its logical sequence, and the imposition of a tariff for revenue only ; and, in the other, a liberal interpretation of the organic law, with the paramount authority of the Nation, involving its indissolubility and a tariff for revenue with protection to home industries. To the unvarying application of these principles, in party pledges and practices, there have, indeed, been marked exceptions : as when Jefferson purchased Louisiana, without the warrant of the Constitution as he himself understood it ; or as the Federalist convention at Hartford proclaimed the extreme doctrine of State's rights ; or as the main body of the Northern Democracy rallied to the defence of the Union when the Southern section took up arms against it ; but, generally, the proposition, as exemplified historically, stands.

Briefly, the history of the parties of Jefferson and Hamilton, with their successive nomenclature, may be traced as follows : The latter, at first called the Federal party, was in power through the Presidential terms of Washington and John Adams. The anti-Federal party,

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resolved in 1791 into the Democratic-Republican — a change of name, but not of creed — triumphed in the election of Jefferson and retained its dominance until nearly the close of the administration of John Quincy Adams. The Federal organization became dormant in 1821, in the second term of Monroe — “the era of good feeling” — during which there was practically but one national party. In 1828 the two parties again crossed swords. The adherents of Adams, who had been educated as a Federalist, styled themselves “National Republicans,” favored his re-election, obtained eighty-three votes for him in the electoral colleges and, in 1834, aligned themselves in the Whig party, the legatee of Federalism. Adams was defeated by Jackson, who received 178 votes as a Democrat, the affix “Republican” being dropped, but the tenets of Jefferson being still affirmed. Jackson was, in like manner, re-elected in 1832. From his party the South Carolina “Nullifiers” seceded in 1831, but returned to the parent fold in 1834. The Democratic party — successful in 1836, 1844, 1852 and 1856 — was disintegrated by the Civil War, but maintained its organization in the Northern States, reuniting, in 1865, with the Southern element, which had espoused the cause of the Confederacy, and being worsted in every Presidential contest until 1884, when Cleveland was elected.

The Whig party was composed of former Federalists, National Republicans and a small body of “Anti-Masons.” Potential, from 1827 to 1829, in several

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Northern States. The Whigs elected Presidents in 1840 and 1848 and virtually ended their existence, in 1852, in overwhelming defeat. In 1854, a majority of its Northern membership instituted the latter-day Republican party, upon the economic lines of Hamilton, but also with distinct declaration against the occupation by slavery of any portion of the national domain, either by constitutional right, as claimed by the Southern wing of the Democracy, or at the option of the inhabitants of the territories, as advocated by the Northern wing, at the bidding of Stephen A. Douglas. This position attracted to the Republican party large contingents from the "Free Soilers," who had cast a considerable vote in 1848 and 1852, of "Anti-Nebraska" Democrats and of "North Americans" — the last named a segregation from the "Americans" who, in 1854 and in 1855, elected their tickets in a number of States and chose Presidential electors in Maryland, in 1856, upon the platform of greater stringency in the enactment and execution of naturalization laws. It may be added that, in 1860, it was from the "Americans" chiefly that the "Constitutional Union" (Bell-Everett) party, the avowed object of which was to avert the threatened Civil War, and which in that year carried Virginia, Kentucky and Tennessee, was recruited. In 1860, the Republicans elected Abraham Lincoln President and have triumphed in all subsequent national campaigns, those of 1884 and 1892 excepted.

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In Presidential elections New York has generally been in line with the party that has triumphed nationally. She has varied from this only when, in 1812, she cast her electoral vote for DeWitt Clinton, supported by insurgent Democratic-Republicans and Federalists against Madison for a second term ; in 1856, when she declared for Fremont, the Republican, against Buchanan, the prevailing Democratic nominee ; and in 1868 and 1876, when she voted for Seymour and Tilden, Democrats and "favorite sons," against Grant and Hayes, respectively, the successful Republican candidates. In several campaigns New York has been the pivotal State. By her will the general result has been determined. Thus, in 1825, when by the failure of any of the candidates to obtain a majority in the electoral colleges, the choice of President devolved upon the House of Representatives, and New York, by a majority of one in her delegation, inclined the ballot, by States, to John Quincy Adams. She had previously given him twenty-six of her thirty-six electoral votes. It was so in 1844, in 1880 and in 1884 — all memorable years in American politics — when a change in her electoral vote would, in each case, have made another than the one chosen the Chief Magistrate of the Republic.

A distinct feature of New York politics from the beginning, and which in large measure still exists in both of the principal organizations, is their direction by a few men — frequently by one man — acknowledged as leaders, to whom the term "bosses" has latterly

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been applied as a reproach, not always fairly, for some of the "bosses" so-called, whether historically or contemporaneously considered, have been real leaders, serving sagaciously and faithfully the interests of their party, and the State and country as well, and preferred because of their ability and usefulness. Among the politicians who flourished prior to 1883 — and this without reference to their moral quality — are, in the one line, George Clinton, Aaron Burr, Daniel D. Tompkins; the "Albany Regency," comprising Martin Van Buren, Samuel A. Talcott, William L. Marcy, and Benjamin F. Butler; Dean Richmond, Fernando Wood, Samuel J. Tilden and John Kelly; and, in the other line, Alexander Hamilton, Rufus King, Millard Fillmore, Thurlow Weed, Henry J. Raymond, Reuben E. Fenton and Roscoe Conkling, with his able lieutenants, Chester A. Arthur, Alonzo B. Cornell and Thomas C. Platt, the last named becoming a most adroit and potent political manager. Several of these are to be classed in a high order of statesmen, and when to their names are to be added those who are to be differentiated as statesmen rather than politicians, New York recites a very distinguished roll of her official servants — George and DeWitt Clinton, both fertile in the origination and bold in the execution of public measures; John Jay, Alexander Hamilton, Martin Van Buren, consummate as a strategist and adept in cunning, but also a master of statecraft; Rufus King, Silas Wright, foremost as a champion of Democratic policies; William H. Seward,

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the leading exponent of Républicanism and a skilled diplomatist : John A. Dix, Daniel S. Dickinson, Samuel J. Tilden, profound in his knowledge of politics and singularly competent in formulating political issues : Horatio Seymour, William M. Evarts and Roscoe Conkling, lacking initiative, but singularly persuasive as the protagonist of causes in which he was enlisted.

The contrast between the dominant politics of the metropolis and that of the interior counties of the State is to be noted : the one almost invariably casting Democratic, and the other Republican, majorities at the polls. These results may not be wholly explicable. Certainly, they are not due to any real antagonism between the rural and urban sections, although there has been at times friction between the two. In the main, their interests are mutual, and there has never been serious thought of separating them, the suggestion of Fernando Wood, in 1861, that the city should set up an independent government being universally scouted as fantastic and traitorous both to the State and to the Nation. A partial explanation is found in the fact that the Tammany Society, founded for charitable purposes, in 1789, but soon becoming a powerful political organization, has been consistent in its fealty to the Democratic party, being originally inclined thereto by Aaron Burr, a wily and well-equipped politician. It has also attracted to it the larger portion of the foreign, and particularly the Irish, element — at first, from its advocacy of the reduction of the period of naturalization from fourteen years

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to five, and has retained its suffrage throughout by a generous dispensation of official patronage. But, whatever the explanation, the fact remains that the city is ordinarily as surely Democratic as is Texas, and the rural districts, so-called, are as rock-ribbed in their Republicanism as is Vermont.

From the close of the Civil War, in 1865, to the incoming of Cleveland, in 1883, the result of New York elections was decided by the preponderance of the up-state and metropolitan majorities, respectively. Thus the Republicans elected Reuben E. Fenton, in 1864 and 1866, and John A. Dix, as Governor, in 1872 ; and Francis C. Barlow, in 1865, and G. Hilton Scribner, in 1871, as Secretary of State. John T. Hoffman, Democrat, was chosen Governor in 1868 and 1870, not, however, without charges of false registration and illegal voting in his behalf, in New York City, but which were not pressed to a judicial determination. In 1872, Diedrich Willers, jr., Democrat, became Secretary of State ; and thence ensued a series of Democratic victories, with Samuel J. Tilden, as Governor, in 1874 ; John Bigelow, as Secretary of State, in 1875 ; Lucius Robinson, as Governor, in 1876, for a term of three years ; and Allen C. Beach, as Secretary of State, in 1877. In 1879, Alonzo B. Cornell, Republican, was elected Governor through a division of the Democratic forces, with John Kelly leading a Tammany defection from the regular ticket, the vote being as follows : Cornell 418,567, Robinson 375,790, Kelly 77,566, Lewis

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(National) 20,286 and Mears (Prohibition) 4,437. The Legislature was Republican in 1865, '69, '72-'74 and '76-'81 and Democratic in 1868, 1870-'71, 1875 and 1882.

The election of 1882 may be called a revolution — none more sensational in our political history — the executive branch of the government passing from one party to the other by an astounding majority. Alonzo B. Cornell, prior to his inauguration, had been regarded as an astute and industrious politician, rather than as a well-equipped statesman. He had served for several years as chairman of the Republican State Committee ; from 1869 to 1873 was Surveyor of Customs and from 1877 to 1878 Naval Officer of the Port of New York ; Speaker of the Assembly in 1873 ; and had made futile canvasses for nomination as Lieutenant Governor in 1878 and as Governor in 1876. Becoming Governor under the circumstances mentioned, he had made, contrary to general expectation, an excellent official record — intelligent, capable, honest and economical in administration ; and he had commended himself to the people for a second term. He had been identified with what was known as the "Stalwart" faction of this party, but, when a candidate for renomination, was charged with having been lukewarm, if not actually hostile, to Conkling and Platt in their attempt to be returned to the United States Senate after their resignation therefrom, in May, 1881. The charge was ill-founded, and it is true that there was no time during the long struggle

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for the Senatorial succession when Cornell might not himself have been sent to the Senate by a combination of his forces with those of Chauncey M. Depew, the candidate of the "half-breed" faction. But, whatever the cause, Cornell incurred in his canvass for renomination the pronounced opposition of President Arthur, who favored the nomination of Charles J. Folger, then Secretary of the Treasury, a man of large ability and magnetic quality, of brilliant service in the State Senate and as chief judge of the Court of Appeals, and of sterling integrity in all the relations of life. Folger was nominated by the convention at Saratoga, on the second ballot, receiving 257 votes to 222 for Cornell and 18 for James W. Wadsworth. In the campaign, Folger was heavily handicapped by what was regarded as the undue interference of the President with the nomination and by a forged telegram, purporting to be from a "half-breed" member of the State Committee, giving his proxy to a "Stalwart," thus securing the organization of the convention with all that it implied.

Thus opportunity waited upon the Democracy. Its convention was held in Syracuse: and, although factional disturbances preceded its meeting, its action consolidated the party. Eight candidates for the Gubernatorial nomination were in evidence. On the first ballot, Henry W. Slocum received 98 votes. Roswell P. Flower 97. Grover Cleveland 66. Erastus Corning 35. Allan Campbell 37. Homer A. Nelson 26. Perry Belmont 12. and Waldo Hutchins 13. On the third

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ballot, Cleveland prevailed, with 211 votes, to 156 for Slocum and 15 for Flower. And so Grover Cleveland stepped into the arena of State politics and, two years later, into that of national politics as a commanding figure. His strength was in his comparative obscurity. He had not been conspicuous as a politician. He was, indeed, known as an able lawyer and was then the intrepid "veto Mayor" of Buffalo; but in the State election he was the beneficiary of Republican revolt against the Republican organization, as well as the recipient of the united suffrage of his own party. The result was astounding. The total vote was 915,526 — Cleveland 535,815, Folger 342,454, minor candidates 37,757; Cleveland's plurality 192,854. He carried New York City by 77,129 and the remainder of the State by 115,725. The metropolis and the rural districts were for once in political accord. The plurality of David B. Hill, the Democratic candidate for Lieutenant Governor, exceeded that of Cleveland by 4,197 votes, while that of William C. Ruger, Democrat, for chief judge of the Court of Appeals, was reduced to 72,799, owing to the high character of Charles Andrews, the Republican nominee, who had been a member of the Court twelve years, and to the growing sentiment, since repeatedly expressed, that a good judge should be retained without reference to his political faith. The Legislature became, in 1883, strongly Democratic, there being 18 Democratic and 14 Republican Senators holding over, and 84 Democrats,

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**43** Republicans and one Independent elected to the Assembly, making a Democratic majority of **44** on joint ballot.

Grover Cleveland was inaugurated as Governor January 1, 1883. The Republican State convention met at Richfield Springs, September 19. It renominated Joseph B. Carr as Secretary of State and a full ticket of State officers. The Democratic convention was held at Saratoga Springs, September 28, and placed Isaac H. Maynard at the head of its ticket. All of the Democratic nominees were elected, with the exception of Maynard, the pluralities averaging about 15,000. General Carr's hold upon the soldiers of the Civil War and Mr. Maynard's somewhat radical record on the temperance question conspired to give the former a plurality of 16,772. Gates, Prohibition, received 18,816, and Beecher, Greenback, 7,221 votes. The Legislative majorities of 1882 were reversed, the Republicans electing 19 Senators and 74 Assemblymen and the Democrats 13 Senators and 54 Assemblymen.

In the political annals of the country, there has been no more exciting contest for the Presidency, none in which the outcome was more doubtful to the very close, and none in which New York has had a more conspicuous part than that of 1884, the result, as already shown, being dependent upon her vote. State issues were entirely subordinated to national ones, and these, in turn, yielded to that of the personnel of the candidates, each being assailed bitterly and mercilessly. James G.

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Blaine, the Republican nominee, suffered from the defection of a large number of his own party, known as "Mugwumps"; the refusal of a considerable number of "Stalwarts" to support him, and, at the last moment, from the indiscreet utterance of a friend, which alienated many members of the Roman Catholic communion who had previously inclined to him. Grover Cleveland, the Democratic nominee, preferred because of his admirable record as Governor and the supreme import of New York in the electorate, was injured by the sullen, yet ill-concealed, hostility of certain members of his own party whom he had offended, and by studiously circulated reports prejudicial to his character. The official returns gave Cleveland 563,154, Blaine 562,005, St. John, Prohibition, 25,006, and Butler, Greenback, 17,064 votes; Cleveland's plurality 1,149 — a narrow margin upon which a four-years' conduct of the National Government hung, but, like Mercutio's wound, it was "enough." The Legislature chosen was Republican in its majority and, on January 20, 1885, elected William M. Evarts to the United States Senate by a vote of 92 to 63 for Edward Cooper, Democrat.

Mr. Cleveland, having been elected President, resigned as Governor on January 6, 1885, Lieutenant Governor Hill succeeding him and holding the office for the ensuing seven years. The Republican State convention met September 23, and in its platform pledged the party, among other things, to the selection of

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administrative officers solely upon their capacity and fitness; the maintenance intact of the gold standard; the imposition of duties affording security to home industries, the strict enforcement of the law prohibiting the importation of contract labor; and denounced the National Administration for its disposition to compromise with those who favored the continued debasement of the currency and for the enforcement of the customs laws by illegal provisions to the detriment of American merchants, and the State Executive, for his action in relation to the State census, involving an extra session of the Legislature, and for his vetoes of certain Brooklyn reform bills. Ira Davenport was nominated for Governor, with a full complement of State officers. The Democratic convention cordially approved both the National and State administrations, reaffirmed the declarations of the Democratic national conventions of 1876, 1880 and 1884 in regard to the civil service, demanded the repeal of the act under which the compulsory coinage of silver was carried on, a revision of the tariff and enactment of laws prohibiting the manufacture of compounds simulating butter and cheese and condemned convict labor in any form. At the polls Hill received 501,465, Davenport 490,331, Bascom, Prohibition, 30,867, and Jones, Greenback, 2,130 votes; Hill's plurality 11,134. The other Democratic candidates were elected by average pluralities of 13,000. The Republicans secured the Legislature of 1886.

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In 1886, a State election for an associate judge of the Court of Appeals occurred, at which Peckham, Democrat, received 468,815; Daniels, Republican, 461,018; Groo, Prohibition, 36,437, and Parlin, Labor, 9,766 votes. The Republicans continued dominant in the Legislature, and on January 20, 1887, chose Frank Hiscock a Senator of the United States by 91 votes to 62 for Smith M. Weed.

In 1887, the Democrats elected the State officers, headed by Frederick Cook, as Secretary of State, who received 469,888 votes; Frederick D. Grant, Republican, had 452,881; George, United Labor, 70,005, and Huntington, Prohibition, 41,850, Cook's plurality being 17,077. The Republicans retained the Legislature in 1888, the division being 21 Republican and 11 Democratic Senators and 72 Republican and 56 Democratic Assemblymen.

In 1888, parties in New York aligned on national issues, the Democrats renominating President Cleveland and the Republicans naming Benjamin Harrison, of Indiana. The Democratic platform, adopted at St. Louis, appealed to the country upon Cleveland's record, especially that upon the tariff, the disposition of the public domain, civil service reform, the safeguarding of the labor interests, the foreign policy, described as firm and prudent, and the exclusion from our shores of Chinese labor, which had been retarded by an adverse Republican Congress. The Republican platform, at Chicago, enunciated the distinctive principles of the

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party — the American system of protection to American industries and the upholding of the rights and liberties of all citizens in the States and Territories; and arraigned the National Administration for the laxity of its foreign policy and its failure faithfully to execute the homestead laws, as well as for its efforts to enlarge the free customs lists and to demonetize silver. The Republicans nominated ex-United States Senator Miller for Governor; Col. S. V. R. Cruger, Lieutenant Governor, and Justice William Rumsey, Associate Judge of the Court of Appeals. Governor Hill, General Edward F. Jones and John Clinton Gray were respectively nominated by the Democrats for the offices above indicated. At the election, Harrison received 650,338, Cleveland 635,965, and Fisk, Prohibition, 30,231 votes; Harrison's plurality 14,373. Hill, however, was elected by a plurality of 19,171, Jones by that of 22,234 and Gray by 3,425. Miller's defeat was chiefly referable to his pronounced advocacy of more drastic excise legislation, he losing votes enough in the two counties of New York and Erie to account for the difference between his vote and that of Harrison. The Republicans still led in the Legislature.

The Republicans, in their State platform of 1889, expressed confidence in President Harrison and, in treating State matters, congratulated Republican Legislatures upon the successful operation of the laws taxing collateral inheritances and corporations; declared against improper combinations of capital in "trusts" and for

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canal improvement, and severely criticised certain vetoes of Governor Hill. The Democrats reaffirmed fealty to their national creed, scored the Harrison administration, approved the vetoes of the Governor and emphasized the wisdom of "honest rule" for cities. Frank Rice, the Democratic nominee for Secretary of State, received 505,894; John I. Gilbert, Republican, 485,367, and Griffin, Prohibition, 26,763 votes, Mr. Rice's plurality being 20,527. His associates on the Democratic ticket were elected by substantially the same plurality. The Republicans secured majorities in both houses of the Legislature of 1890.

There was no State election in 1890, except for an associate judge of the Court of Appeals, Robert Earl, who had served on that bench from 1869 to 1870 and again, for a full term, from 1876, being nominated by both Democrats and Republicans and receiving 927,243 votes, 33,261 being cast for Mason, Prohibition, and 13,701 for Gerard, Social Labor. Thirteen Democratic and 19 Republican Senators held over and 68 Democratic and 60 Republican Assemblymen were elected, thus giving the Democrats two majority on joint ballot. On January 22, 1891, David B. Hill was elected to the United States Senate by 81 votes to 79 for William M. Evarts, then the incumbent. Mr. Hill, however, did not qualify as Senator until January, 1892, continuing to act as Governor until the end of his term.

The election of 1891 was for a Governor, Lieutenant Governor and all the State officers and was

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conducted upon the recognized issues, State and National, of the two parties, the Republicans strongly commanding the administration of Harrison and the Democrats that of Hill. Roswell P. Flower, the Democratic candidate for Governor, received 582,893; J. Sloat Fassett, Republican, 534,956; Bruce, Prohibition, 30,353, and DeLeon, Social Labor, 14,651 votes; Flower's plurality was 47,937. The remaining Democrats upon the State ticket obtained pluralities averaging about 41,000. The Legislature of 1892, which after contests in three Senatorial districts had been judicially determined in favor of the Democrats, included 17 Democratic, 14 Republican and 1 Independent Senators, and 67 Democratic and 61 Republican Assemblymen.

1892 was a Presidential year, with the tariff as the paramount issue. The election was hotly contested. The Democrats nominated ex-President Cleveland as their standard-bearer — his third canvass — and the Republicans renominated President Harrison. At the election, in New York, Cleveland had 654,868; Harrison, 609,350; Bidwell, Prohibition, 38,190; Weaver, People's, 16,429, and Wing, Social Labor, 17,956 votes; Cleveland's plurality, 45,518. The Democrats retained majorities in both houses of the Legislature and, on January 17, 1893, chose Edward Murphy, jr., as United States Senator, the vote being as follows : Edward Murphy, jr., 90; Senator Frank Hiscock, 74; and Whitelaw Reid, 1.

In 1893, the Republicans elected their entire State ticket, headed by John Palmer, for Secretary of State.

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Edward T. Bartlett, for Associate Judge of the Court of Appeals, had a majority of 101,064 over Isaac H. Maynard, Democrat, the vote for the latter being diminished materially because of his unfortunate connection with the disputed Senatorial seats two years previously. He had served, not without distinction, as a member of the Court, by appointment, since January, 1892. The Republicans also elected 15 delegates-at-large to the Constitutional Convention, by average majorities of 26,500, which, with their district delegates, gave them control of that body.

From January 1, 1894, until January 1, 1911, the Republicans were in almost complete ascendancy in all branches of the State Government and thus responsible for the conduct of its affairs. The only breaks in Republican success at the ballot-box were in 1897, when William J. Wallace was defeated for Chief Judge of the Court of Appeals by Alton B. Parker; in 1902, when John Clinton Gray was chosen for Associate Judge over William E. Werner; and in 1906, when the Democratic State ticket, with the exception of Governor, was elected. The Legislature was in the hands of the Republicans throughout.

From the foregoing conspectus it will be seen to which parties, and in what measure, the State offices have been distributed, and elsewhere the official patronage of counties, municipalities and other civil divisions appears. A function — and doubtless a principal one — of political parties is the bestowal of preferment upon

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their exponents and adherents. Purposed primarily for the assertion of national principles, their organization is the agency for rewarding service, recognizing merit and conserving its efficiency; but there are many questions of State policy, independent of national principles and purely local in their bearing, with which parties must deal through their selected representatives. They thus become, when in power, responsible for State administration: and in this both parties have been opportunists, settling State issues, not at the leading of national creeds, but according to circumstances as they arise and the needs of the State within the light which they have. And here it must be fairly said that political parties in New York have made for themselves admirable records. Under the rule of each, the affairs of the State have been wisely and faithfully administered, its various departments carefully guarded and all its institutions rendered useful and beneficial. That there has been something of corruption and maladministration must be admitted, but this has been individual and incidental, not generic or widespread, and much of it has been exposed and properly punished. Upon the whole, the affairs of the State, under political direction, have been honorably conducted, and in this respect, as in others that have been mentioned, New York has been and is the Empire State.





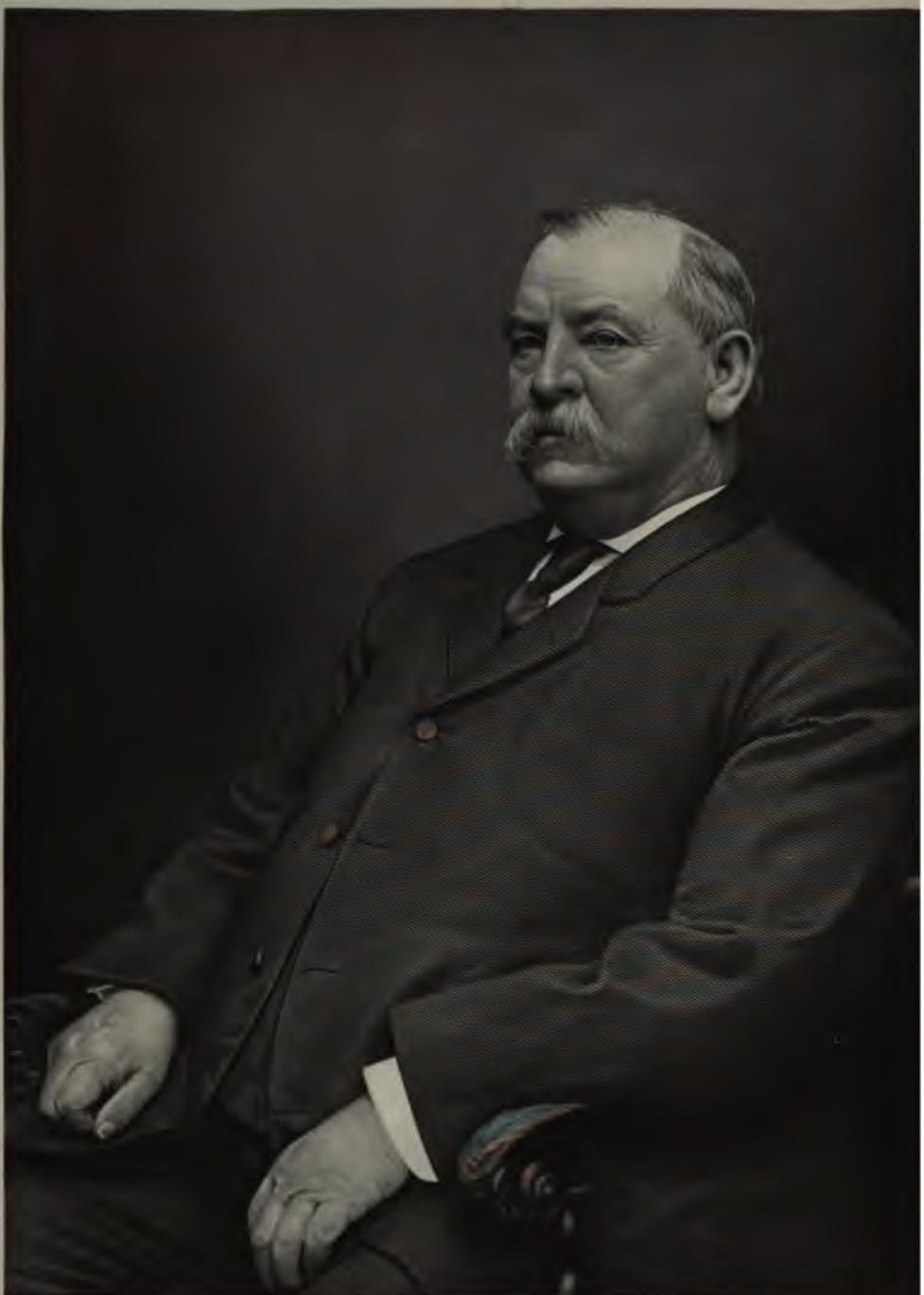


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**GROVER CLEVELAND**

**Born in Caldwell, N. J., March 18, 1837; admitted to bar in Buffalo, 1859; assistant district attorney of Erie County 1863-66, sheriff 1870-73; Mayor of Buffalo 1882; Governor of State of New York 1883; President of United States 1885-88; nominated for President 1888, defeated; nominated for President 1892, elected, serving from 1893 to 1897; Princeton LL. D.; died June 24, 1908**



## CHAPTER II

# ADMINISTRATION OF GROVER CLEVELAND

By JOHN B. HOWE  
*"The Syracuse Herald"*

GROVER CLEVELAND, of Buffalo, thirty-first of the Governors of New York State, took the oath of office on January 1, 1883. He was the Democratic victor in a campaign memorable for the acrimonious factional feud that divided and hopelessly weakened the Republican party, and his majority of 192,854 over his Republican opponent, Charles J. Folger, formerly Chief Judge of the Court of Appeals and then Secretary of the Treasury, was by far the largest given to any candidate for Governor of New York up to that time. Mr. Cleveland's experience in public life had been confined to local offices. In 1863 he accepted the appointment of Assistant District Attorney of his home County of Erie, and served in that capacity through the term of his chief. In 1865 he was nominated for District Attorney of the County as a Democrat, but was defeated by Lyman K. Bass, who afterwards became his law partner. Five years later he was elected Sheriff of Erie. In 1881 he was elected

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to the Mayoralty of Buffalo on a Democratic reform ticket, and it was his administration of this office, signalized by a crusade against municipal abuses and an unsparing use of the veto power, that directed the attention of his party to him as an available candidate for the Governorship. As a busy and rising lawyer, however, he had devoted little time or thought to State affairs; he had only a limited acquaintance with the leaders of the State Democracy, and he had never met Daniel Manning, chairman of the Democratic State Committee, until the eve of the State convention in Syracuse, at which Mr. Manning was the most influential personal factor in procuring his nomination for Governor.

As a result of the sweeping triumph of his party, Governor Cleveland, when he took the reins of office, had behind him an Assembly that was Democratic by a majority of two to one. The hold-over State Senate comprised 18 Democrats and 14 Republicans, but here the balance of power was held by the three Tammany Senators — Thomas F. Grady, John G. Boyd and Frank P. Treanor.

The Governor's comparative unfamiliarity with the official business of the State was frankly suggested in his first message to the Legislature, which he transmitted with the intimation that "a newly-elected Executive can hardly be prepared to present a complete exhibit of State affairs, or to submit in detail a great variety of recommendations for the action of the Legislature."

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The spirit of this reservation was reflected in the message. It included, according to custom, a statistical review of the State's business and finances of the preceding year; but his comments on the needs of the State and his recommendations of new legislation were neither lengthy nor numerous, and the document itself was exceptionally compact and brief. Perhaps the most important passage in the message, in view of the legislation which followed it, was that relating to civil service reform. One short paragraph embraced it. "It is submitted," wrote the Governor, "that the appointment of subordinates in the several State departments, and their tenure of office and employment, should be based on fitness and efficiency, and that this principle should be embodied in legislative enactments, to the end that the policy of the State may conform to the reasonable popular demand on that subject." The Governor also earnestly considered certain revealed defects in the quarantine system of the port of New York, the duties and emoluments of the harbor masters and the need of a better code to regulate the functions of the port wardens. He objected to the fees and charges of the health office of the port as excessive and a serious burden upon the commerce of the port, and he urged that provision be made for the proper compensation of the harbor masters, who had been accustomed to levy tribute upon the shipping of the port, in disregard of a decision of the Supreme Court of the United States pronouncing such fees unconstitutional and void. The

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much-agitated subject of contract labor in the prisons likewise engaged the Governor's attention. He challenged the moral right of the State "to seek to realize a profit upon its convict labor," and warned the Legislature against any increase of "the danger of competition between convicts and those who honestly toil." Referring to the municipal governments of the State, he uttered a strong protest against frequent and ill-considered legislative interference with their affairs. Other matters comprehended by the message were the desirability of better safeguards for primary elections and the needs and interests of the canals and of the educational, banking, insurance, military and charitable departments of the State government.

With the change in the partisan control of the State government, the privilege of naming Democratic heads of departments devolved upon the new Governor. For Superintendent of Insurance he selected John A. McCall, of Albany, who had for six years served the department in minor capacities and afterwards as Deputy Superintendent. He appointed Willis S. Paine, of New York City, Superintendent of Banks, and James Shanahan, of Tribes Hill, Montgomery County, Superintendent of Public Works. For the newly-created office of Commissioner of the Capitol he named Isaac G. Perry, of Binghamton. He was likewise called upon to designate the first members of several commissions created by the Legislature, among them the Niagara Falls Commission and the State Board of Claims, the latter

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replacing the Canal Appraiser and the old State Board of Audit. Public interest and curiosity were chiefly centered, however, in his choice of Railroad Commissioners. The law bringing into existence the State Board of Railroad Commissioners had been enacted the preceding year. It provided for a commission that would exercise general supervision over the railroads of the State, investigate all serious accidents and have authority to examine the books and affairs of railroad corporations. There was a prolonged legislative debate over the constitution of the board and the method of selecting its initial membership. The Legislature of 1882 was Democratic and was unwilling to clothe Governor Cornell with the power of appointment. As finally approved, the bill provided for a Commission of three members, each of the two leading parties to be represented thereon and the third Commissioner to be named on the recommendation of the presidents and executive committees of three commercial bodies, to wit, the Chamber of Commerce of the State of New York, the New York Board of Trade and Transportation and the National Anti-Monopoly League of New York, "or any two of such organizations so represented, in case of disagreement." The power of appointment was confided by the act to the Governor to be chosen at the ensuing election. Early in January Governor Cleveland sent to the Senate the following nominations for the three Commissionerships: John D. Kernan, of Utica, Democrat; William E. Rogers, of Garrisons,

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Republican, and John O'Donnell, of Lowville, Anti-Monopolist — the last-named having been selected by the commercial organizations specified in the act. With these officials, the State's new system of railroad supervision was installed.

Governor Cleveland's plea for the establishment of a merit system of appointment to subordinate offices bore fruit in suitable legislation. Two bills affecting the civil service of the State were passed by the Legislature, the one prohibiting the assessment of office-holders for political purposes, and the second creating a State Civil Service Commission of three members, who were authorized to co-operate with the Governor in the framing of rules classifying the minor employes of the State and introducing competitive examinations. It was thus Governor Cleveland's fortune to be charged with the duty of naming the first Civil Service Commission, as well as the first Railroad Commission, of the State, and his selections for the board were August Schoonmaker, of Kingston, Henry A. Richmond, of Buffalo, and Andrew D. White, President of Cornell University. After a few days' consideration, President White declined to serve and John Jay, of New York, was chosen in his stead.

The doubts expressed by the Governor in his message as to the wisdom and propriety of employing convict labor for profit led to a spirited discussion of the whole question in the Legislature. The only immediate and practical result was the enactment of a law forbidding the renewal of a hat-making contract in Clinton

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prison. But the whole question of contract labor in prisons was put squarely in the way of final settlement by a joint resolution submitting it to the people at the next general election. The Governor's recommendation relative to primary elections was also acted upon, and a bill was passed systematizing and safeguarding the organization of primaries and the methods of primary voting.

Governor Cleveland had not been in office many days before he gave striking proof of his disposition to exercise the veto power, when the occasion seemed to him to require it, with the same freedom and boldness that had marked his veto record as Mayor of Buffalo. In the first two months of the session he disapproved no less than ten of the measures adopted by the Legislature. Most of them were of minor importance, but the message accompanying the veto of each bill suggested painstaking examination of its details and grave consideration of the principles involved. Both his courage and his disregard for expediency were illustrated in his refusal to sign a bill permitting the Supervisors of Chautauqua County to make an appropriation for the purchase of a site for a soldiers' monument. While admitting that the object was "worthy and patriotic," he still contended that the public money should not be expended for purposes not connected with "the safety and substantial welfare of the taxpayers."

The Cleveland veto which aroused more interest and provoked more controversy than all others combined

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was that elicited by the passage in the first half of the session of a bill affecting the elevated railroads of New York City. In brief, this measure ordered a reduction of the fare charged on the elevated roads, for any distance from the Battery to the Harlem River, from ten to five cents. The bill was popular throughout the State, and particularly by the multitudes of patrons of the elevated system in the metropolis it was hailed with delight. At first there seemed to be scarcely any doubt that the Governor would sign it. The tremendous volume of business daily transacted on the elevated roads had impressed the public mind with an idea that the managing corporation was reaping excessive profits, and the press of the State reflected the almost unanimous public judgment that the citizens of New York were entitled to the relief promised by the bill. Mr. Cleveland had been less than two months in office when he was thus confronted by the most trying ordeal of his term as Governor. Nevertheless, he met it with his customary courage and firmness. After a careful study of all the considerations involved, and after a patient hearing in public of the arguments of the advocates and opponents of the measure, he determined to veto it. When the veto message was sent to the Legislature, it was the gleeful verdict of his partisan enemies that he had sounded his own political death knell, while his partisan supporters were, for the moment, dumbfounded. The Governor himself was under no illusions as to the political consequences of his act, and one of his

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biographers reports him as saying on the evening of the day when he addressed the veto to the Assembly: " Well, tomorrow I shall be the most unpopular man in the State of New York." Subsequent events proved that the veto had placed in the hands of the opposition a formidable weapon of criticism and attack, and nothing in his record as Governor was urged against him with greater vigor and pertinacity when he was his party's candidate for the Presidency in the following year.

Yet the Governor had convinced himself that he could pursue no other course in honor and with justice, and the reasoning with which he justified his disapproval of the measure was high-minded and bold, and in time produced a considerable reaction in his favor. He based his argument upon the simple proposition that " the State should not only be strictly just but scrupulously fair, and in its relations to the citizen every legal and moral obligation should be recognized "; and that " this can be done only by legislating without vindictiveness or prejudice." He elaborated his own idea of what " legal and moral obligation " required in the case by reviewing the special legislative grants under which the Manhattan Railway Company, as lessee of the New York Elevated Company and the Metropolitan Company, was operating its lines, and from these and the general railroad laws of the State he drew the conclusion that the rate of fare on the Elevated could not justly be reduced while the earnings of the operating corporation were less than ten per centum on the " capital actually

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expended." He maintained that the various charters and statutory grants which had passed to the Manhattan Company were of the nature of an implied contract, and in none of them was a rate of fare as low as five cents even conditionally stipulated. After expressing the opinion that the five-cent fare bill was subject to the inhibition of the Federal Constitution relative to the impairment of contracts, he proceeded to consider an objection that would militate against the bill even if his judgment of the constitutional impediment were erroneous. Here he fell back on the proposal that the summary reduction of fare could be "a breach of faith on the part of the State and a betrayal of confidence which the State had invited." This point he emphasized by reminding the Legislature that, in view of the pressing need of rapid transit facilities in the growing metropolis and the reluctance of capital to enter a field full of risks and dangers, the State had held out tempting inducements, including the promise of liberal fares, to corporate enterprise, and that now, when the improved transportation facilities were an accomplished fact, "the honor and good faith of a great State" should be vindicated by fair dealing with the investors.

The five-cent fare bill had passed the Legislature by a vote that was next to unanimous. In the Assembly the roll call showed only six dissentients, and in the Senate only five. But the Governor's message wrought a surprising change in the sentiment of the Legislature. When the vetoed bill was returned to the

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Assembly, on March 3d, a motion to postpone consideration for five days prevailed. Among those who earnestly counseled delay was Theodore Roosevelt, then representing the Twenty-first District of New York City. Assemblyman Roosevelt frankly admitted that he had erred in voting for the bill. "We ought never to have passed the bill in the beginning," he said, "and we ought on no account to pass it over the Governor's veto. It is not a question of doing justice to them (the magnates of the Elevated road)," he added; "it is a question of doing justice to ourselves." On March 8th the Assembly, by a vote of 66 to 58, sustained the veto.

By subsequent vetoes the Governor showed that he was not inclined to favor public service corporations at the expense of the people. Among the measures he disapproved was one conferring large additional powers on lighting companies, including the right, conditional only on local official consent, to distribute electricity, not only for light, but for heat and power, in any direction and for any distance, over the highways, streets and waters of the State, and to invade private property for such purposes without the consent of the owners. After adjournment he vetoed another objectionable bill of the same class, which indirectly sought, by ingenious and deceptive phraseology, to permit corporations to establish and operate street railway systems without compensation to the cities concerned. Here he clearly demonstrated that one purpose of the bill was to evade the constitutional restriction relative to the consent of

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**property owners along the line of the proposed railways or extensions of railways.**

Still another noteworthy veto by the Governor, and one that revealed his firm independence of partisan influences, was that nullifying a measure for reorganizing the fire department of his home city of Buffalo. By the provisions of the bill, three fire commissioners were to be legislated out of office and to be replaced by a single executive head appointed by the Mayor; and the terms of all the other officers, firemen and employees of the department were to cease ten days after the enactment of the measure. Manifestly, a sweeping transfer of valuable political patronage to the Democratic Mayor of Buffalo was contemplated by the bill. Nevertheless, the Governor determined to block the undertaking. After testifying, from his own knowledge, to the efficiency and good management of the Buffalo fire department, and urging some technical objections to the proposed reorganization, he condemned the partisan motives that had plainly inspired the bill. To him it appeared that a satisfactory administration of an important department in a large city was to be destroyed, "upon partisan grounds or to satisfy personal animosities, in order that the places and patronage attached thereto may be used for party advancement." He seized this occasion to promulgate his idea of the proper limitations of party interest and zeal. "I believe," he declared, "in an open and sturdy partisanship, which seeks the legitimate advantages of party supremacy; but parties

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were made for the people, and I am unwilling, knowingly, to give my assent to measures purely partisan, which will sacrifice or endanger their interests."

The closing days of the legislative session of 1883 were signalized by an open rupture of the political relations between the Governor and the Tammany State Senators. It was the sequel of the Governor's effort to reorganize the State Emigration Department and the methods of transacting other business in the port of New York. As the result of the Governor's recommendations, a measure was passed abolishing the Board of Emigration and substituting therefor a single Emigration Commissioner. Another bill was designed to supplant the Board of Harbor Masters with a new board whose members would be compensated by paid salaries instead of fees. For the new office of Emigration Commissioner, Governor Cleveland named William H. Murtha, of Brooklyn, a choice that proved highly distasteful to the Tammany Senators. The nomination was "hung up" in committee, owing to the joint action of the Republicans and the Tammany Senators, led by Thomas F. Grady. The deadlock evoked a sharp urgency message from the Governor to the Senate on the day designated for the adjournment of the Legislature, May 4th. Therein he emphasized the need for reform in the management of the Emigration Department, which he denounced as "a scandal and a reproach to civilization." After reviewing the conditions which, in his judgment, called for a radical remedy, he severely criticised the

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motives of what he termed "a captious opposition." The message was barren of results. The nomination of Murtha remained in committee, and thither was also sent a belated batch of Executive appointments for harbor masters and quarantine commissioners, which were unacceptable to the combined Republican-Tammany majority of the Senate. In consequence of this failure of the Senate to act, the laws reorganizing the Emigration and Harbor Masters' Departments became dead letters.

The record of the Cleveland administration during the months immediately following the adjournment of the Legislature was uneventful. The November election of minor State officers and of both branches of the Legislature disclosed a marked change in popular sentiment; and, although the Democrats saved their State candidates, barring the Secretary of State, by pluralities ranging from 13,000 to 19,000, the returns from the legislative contests gave the Republican opposition the State Senate by six and the Assembly by twenty-four majority. Governor Cleveland thus began the second year of his term confronted by a politically hostile Legislature. From the Tammany group Senator Grady, of whose antagonism the Governor had complained in a personal letter to the leader of Tammany, John Kelly, was missing, having failed to receive a renomination from his political faction.

Governor Cleveland's second annual message to the Legislature attested his increased self-confidence

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and his firmer grasp of public affairs. On the subjects that came before him for review and recommendations he spoke with a positiveness notably in contrast with the cautious and deferential tone of his first message. In the opening passages of the document, he ventured to emphasize what he conceived to be serious shortcomings in legislative methods. He protested against "the great waste of time" by the Legislature in "frequent and unnecessary recesses," and then proceeded to complain of the legislative tendency to encumber the statute books with a multiplicity of local bills covering a wide range of comparatively trivial matters and diverting the attention of the Legislature from its graver duties. He likewise deprecated the practice of deferring a mass of important legislation to the last days of the session, on the ground that it centered responsibility for the final disposition of these delayed measures in the Executive alone, by depriving the Legislature of an opportunity to review the Governor's action in the case of disapproval.

Under the head of taxation, the Governor offered a radical suggestion, to the effect that the assessment of personal property should be placed on the same footing as that of real estate by prohibiting, in every case, any deduction of debts. Concerning the prisons, he pointed out that the popular voice had declared for the abolition of contract labor at the preceding election, and that it was now necessary to reform the whole system of prison labor in compliance with that decree. He earnestly defended the legislation of the previous session relative

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to the Emigration Department, and urged the Legislature to take the necessary steps to make it operative. This appeal was fruitless, as was also his renewed recommendation that the health officer of the port of New York be deprived of his enormous fees and remunerated with a fixed salary.

It was the Governor's privilege to review with satisfaction the first year's work of the Railroad Commission. A reference to the several functions of the Commission led him to discuss the responsibility of corporations in general to the State and to hint at the need of State supervision of their affairs. "It is a grave question," he said, "whether the formation of these artificial bodies ought not to be checked or better regulated, and in some way supervised." In the course of these observations he adverted to the prevailing suspicion that some of the corporations of that period had "expended large sums under various disguises in order to influence legislation." Turning from the Railroad Commission he was able to point, with manifest pride, to the excellent initial work of the Civil Service Commission, for the creation of which he was directly responsible, and for the auxiliary municipal bureaus in New York City and Brooklyn, and to rejoice that New York had taken the lead in the inauguration of a comprehensive State system of civil service reform.

Among the important questions considered at some length by the Governor was the preservation and protection of the portion of the Adirondack wilderness owned

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at the time by the State. The Legislature of 1883 had passed a law forbidding any further sale of public lands in the Adirondacks. The State's holdings then covered an area of 600,000 acres, and in November of that year it added 177,842 acres more, consisting of unredeemed land which it had bidden in at tax sale. The Governor warmly advocated the necessary measures to save this noble possession from gradual destruction by fire and the axe, but he looked askance at the current proposal for the purchase of additional extensive tracts for a State reservation, arguing that so costly an enterprise be left as a last resort, or until it had been demonstrated that every other plan of protection must fail.

For the first time Governor Cleveland touched on questions of Federal import in this message. After quoting De Tocqueville's prediction that the United States would one day become the first maritime power of the globe, he cited figures indicative of the decline of American shipping since 1840 and suggested the need of inquiry into the causes thereof. He also referred to a condition which was afterwards to engage his anxious attention as President of the United States — "the useless and unnecessary surplus in the National Treasury."

The Governor's relations with the Republican Legislature were not marked by any serious conflict of opinions. Early in the session of 1884 he had a brush with the State Senate over that body's request for information in his possession relating to the harbor masterships and dock department of New York City — a request with

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which he declined to comply. He continued to exercise the veto power frequently, commenting freely in one instance upon the Legislature's propensity to pass local or private measures which he deemed unnecessary or objectionable, and on one occasion denouncing a rejected bill as "the worst and most inexcusable of all the defective and shabby legislation" that had been presented to him. But the vetoes of 1884 were less important as a whole, and provoked less antagonism, than those of the preceding year.

The session was notable for a mass of legislation affecting New York City and County. To most of these bills Governor Cleveland gave his hearty approval. One of them, introduced in the Assembly by Mr. Roosevelt, deprived the New York Board of Aldermen of the right to confirm the official appointments of the Mayor, leaving that officer untrammeled in his choice of heads of departments and minor functionaries. This bill aroused a spirited controversy in New York City, but was strongly supported by a citizens' organization. It was carried through the State Senate by a strict party vote, with the Republican majority in the affirmative; while in the Assembly only twelve Democrats were recorded in its favor. Though it was generally regarded as a Republican party measure, and though it was intended to weaken the power and influence of the Democratic Board of Aldermen, the Governor signed it. He felt constrained, however, to file a memorandum, in which he answered at some length the main objections

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advanced against the measure and took a pronounced stand in favor of investing the Mayor of New York with a larger responsibility for the conduct of the municipal government. A supplementary bill curtailing the terms of the appointive officers of the metropolis, so that their successors could be selected by the Mayor to be chosen at the election of 1884, was vetoed by the Governor after adjournment, on the ground that the Legislature had made no provision for the tenure of office of future appointees.

The session was memorable for the enactment, with the Governor's acquiescence, of a general law authorizing and regulating the construction of street railways in the cities, towns and villages of the State. The State Constitution forbade the passage of private or local bills granting such authority, and repeated efforts in previous Legislatures to pass a law of general application had failed, owing to the rivalry of corporate interests working for undue advantages and to serious defects in the various bills. The street railway bill of 1884 was framed so as to overcome the objections which the Governor had offered to the similar measures of the preceding year, by fully protecting, as he had demanded, the rights of the communities concerned and particularly of the property owners directly affected. Here, too, the Governor filed a long memorandum justifying his approval of the measure.

Among the important bills signed by the Governor was one abolishing contract labor in the prisons of the

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State, in compliance with the popular decree registered at the general election of 1883. Early in the session and before this action was taken, the Legislature had created a Commission of five members to inquire into the various systems of employing convicts and to report not later than March 1st. The time proved too short for the work required of the Commission. On March 1st another bill reached the Governor, extending the Commission's time and still leaving the scope of its mission so as to include inquiry into the contract system. This bill was vetoed by the Governor on two grounds. One was that the Commission had ceased to exist before the measure was submitted to him, and the other was that, inasmuch as the people had condemned the contract system at the polls and the Legislature had enacted their decision into statute law, the Commission's duty should be limited to recommending a desirable substitute. The Legislative error thus pointed out, though seemingly technical and easily remediable, had serious consequences. Another bill was brought in, reviving the Commission and extending the time for its report to January 15th, 1885; but this failed to pass, with the result that nothing was left to take the place of the discarded contract system and no agency was created for organizing, or even projecting, a permanent, workable substitute.

The latter half of Mr. Cleveland's second year in the Governorship comprehended a period through which he was destined to figure on the national stage of politics

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as the Democratic candidate for the Presidency of the United States. The Legislature of 1884 adjourned on May 16th and on June 18th the New York Democratic State convention met at Saratoga. The preliminary canvass for delegates had indicated that the friends of the Governor would control the convention, and this prospect was verified when the convention assembled. Though backed by a safe majority, the Cleveland leaders decided not to force the issue of an instructed delegation to the National convention, in view of the presence of an anti-Cleveland element chiefly recruited from the Tammany organization. But they compelled the adoption of a resolution requiring the New York delegates to the National convention to vote and act as a unit, and of a plank in the platform commending Cleveland's "efficient and upright administration." The prescription of the unit rule fairly committed the district delegates to the support of the Governor for the Presidential nomination, and this purpose was emphasized by the convention's choice of four delegates-at-large — Daniel Manning, Edward Cooper, Lester B. Faulkner and State Senator John C. Jacobs — all of whom were conspicuously devoted to his interests.

The Democratic National convention met on July 8th, and on the evening of the third day the balloting for Presidential candidates began. The announcement of New York's vote of 72 for Cleveland was followed by the explanation that 23 of the number had declared for other candidates. On the first ballot Grover Cleveland

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received 392 votes out of a total of 820, his leading opponent being Thomas F. Bayard, of Delaware, with 170 votes. The convention then adjourned until the following day and, when the second ballot was taken, disclosed 683 votes for Cleveland, more than enough to nominate under the two-thirds rule. Thomas A. Hendricks, of Indiana, was named for Vice President.

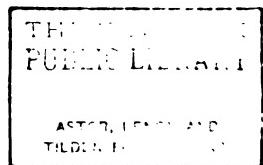
In the famous contest that followed between Grover Cleveland and the Republican candidate, James G. Blaine, New York was generally recognized as the decisive battle-ground, and in the State the opposing forces were numerically so well matched and the vote was so close that the issue remained doubtful for some days after the election. The official count finally gave Cleveland a plurality of 1,047 in his own State, and the election. Though the canvass was exciting and bitterly waged, and in some features sensational, the Governor individually took little visible part in it. He was formally notified of his nomination on July 29th at Albany, and made a brief response. His promise of a letter of acceptance was fulfilled on August 18th, when he was enjoying a vacation at Upper Saranac Lake. Otherwise he made but a limited contribution to the literature and oratory of the campaign. He delivered only two set speeches — one at Newark, N. J., and the other at Bridgeport, Conn. — but he also visited Hartford, New Haven, Buffalo and New York City, where he was honored by public receptions. Aside from these interruptions, he remained at Albany, engaged in the performance

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of his official duties. After the election, and before his retirement from the Governorship, only one incident of public note occurred to vary his official routine. Late in December he received a letter from the President and Executive Committee of the National Civil Service Reform League commanding the reform to his "patriotic care." In reply he wrote a letter in which he pledged himself to carry out his public agreements and professions in that respect, but at the same time declared that officeholders who had used their places for party purposes in disregard of their duty to the people "had forfeited all just claim to retention."

When the Legislature met on January 6th, 1885, it received from the Governor a brief letter of resignation, and on that day he turned over his office to the Lieutenant Governor, David B. Hill.







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David B. Hill

**DAVID B. HILL**

Born in Havana, N. Y. (now Montour Falls), August 29, 1843; admitted to bar 1864; city attorney of Elmira 1864; delegate to Democratic State convention 1868; member of Assembly 1871-72; speaker of Assembly 1872; chairman of Democratic State convention 1877 and 1881; alderman of Elmira 1880-81; Mayor of Elmira 1882; Lieutenant Governor 1883-4; Governor 1885 (unexpired term of Cleveland); Governor 1886 to 1891; United States Senator 1891-97; died Oct. 20, 1910.

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## CHAPTER III

### ADMINISTRATION OF DAVID B. HILL

By CHARLES A. COLLIN

THE administration of Governor Hill, extending over the seven years 1885-1891, both inclusive, was longer by three years than the administration of any other Governor of the State of New York during the eighty-two years from 1829 to 1911. Governor Hill's seven years of service as Governor had been immediately preceded by two years of service as Lieutenant Governor, and was immediately followed by six years of service in the United States Senate. Thus, continuously during the fifteen years, 1883-1897, he was entrusted by the people of his native State with the duties of three of the highest offices in which a citizen can serve his country. The honor of such long-continued service in high office acquires added significance from the fact that during that period the two great political parties in the State of New York were almost equal in numbers with a large proportion of independent voters in each party. During the eighteen years after the close of the Civil War (1865-1882) Democratic and Republican Governors had alternated with almost precise

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regularity. During nine years of that period the Governorship was held by Republicans, and during nine years by Democrats, as follows:

Reuben E. Fenton,	Republican,	Four years,	1865- 8
John T. Hoffman,	Democrat,	Four years,	1869-72
John A. Dix,	Republican,	Two years,	1873- 4
Samuel J. Tilden,	Democrat,	Two years,	1875- 6
Lucius Robinson,	Democrat,	Three years,	1877- 9
Alonzo B. Cornell,	Republican,	Three years,	1880- 2

The eighteen years of alternating Democratic and Republican Governors were followed by twelve successive years of Democratic Governors (1883-1894), elected in strenuous campaigns, and, with the single exception of the "Folger campaign," by narrow margins; to be followed, in turn, by sixteen successive years of Republican Governors (1895-1910).

The extent of the independent vote in the State of New York during the twelve successive years of Democratic Governors (1883-94) is indicated by the following table of pluralities:

1879, Cornell, Rep., for Governor,	over Robinson,	42,777
1882, Cleveland, Dem., for Governor,	over Folger,	192,854
1883, Carr, Rep., for Sec'y of State,		18,253
1884, Cleveland, Dem., for President,	over Blaine,	1,049
1886, Hill, Dem., for Governor,	over Davenport,	11,132
1888, Harrison, Rep., for President,	over Cleveland,	14,373
1888, Hill, Dem., for Governor,	over Miller,	19,171
1889, Rice, Dem., for Sec'y of State,		20,420
1891, Flower, Dem., for Governor,	over Fassett,	47,937

Not without substantial merit could the seven years of Governor Hill's administration (1885-91) have been thus held in the center of the twelve successive years of

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**Democratic Governors (1883-94), and in the center of his fifteen years of continuous public service (1883-97).**

In November, 1884, Grover Cleveland was elected President of the United States, and having served only two of the three years for which he had been elected Governor, he resigned the Governorship on January 6, 1885. Thereby David Bennett Hill was Governor of the State during 1885, the last of the three years for which he had been elected Lieutenant Governor. In November, 1885, Mr. Hill was elected Governor for a term of three years; and in November, 1888, he was re-elected Governor for another term of three years.

During his two years' service as Lieutenant Governor he had become familiar with the main features and essential details of the State government, and had become well acquainted with the men who were to be associated with him in its administration. When he became Governor, on January 6, 1885, he was in the prime of life, forty-one years of age, well fitted by native ability and well trained by experience for the duties of the office.

He had received his general education in the common schools of his native village of Havana, N. Y., and his professional education as a law student in the city of Elmira, N. Y., which continued to be his residence until he became Governor. He was admitted to the bar in 1864, when he was barely over twenty-one years of age. The next twenty years he devoted closely to the practice of law, and steadily advanced to a prominent

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position among the acknowledged leaders of the bar in his section of the State. He was an able and successful all-around lawyer — careful and industrious in office work, trusted for his sound legal and business judgment by clients who sought his advice as counsel, effective with a jury, clear and forcible in Appellate Court argument. It was but a fitting recognition of his professional standing among the lawyers of the State that he was twice elected President of the New York State Bar Association. During the twenty years which intervened between his admission to the bar and his entrance upon the duties of his office as Governor, the practice of his profession was not materially interrupted by his active participation in politics nor by his service in the public offices to which he was chosen. He was appointed City Attorney of Elmira during the first year after his admission to the bar; he was a member of Assembly during the years 1871 and 1872, and Speaker of the Assembly during the latter of the two years. He was appointed by Governor Tilden a member of the Commission to provide a uniform charter for the cities of the State, in 1875; presided over the Democratic State conventions of 1877 and 1881; was a member of the Common Council of the city of Elmira in 1880 and 1881, and was Mayor of that city when he was elected Lieutenant Governor in 1882. He was an effective public speaker, clear and forcible, appealing to reason instead of passion, logically aggressive and convincing rather than conciliatory, and intellectually rather than emotionally magnetic.

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Governor Hill was fortunate in his associates in the Executive Department of the State government, who, in a certain sense, constituted his cabinet during the seven years of his administration, as is shown by the list of the principal Executive officers of the State during that period, as follows:

Edward F. Jones was Lieutenant Governor during the six years 1886-91.

Holding the office of Secretary of State, were Joseph B. Carr, one year (1885); Frederick Cook, four years (1886-9), and Frank S. Rice, two years (1890-1).

Holding the office of State Comptroller, were Alfred C. Chapin, three years (1885-7), and Edward Wemple, four years (1888-91).

Holding the office of State Treasurer, were Robert A. Maxwell, one year (1885); Lawrence J. Fitzgerald, four years (1886-9), and Eliot Danforth, two years (1890-1).

Holding the office of Attorney General, were Denis O'Brien, three years (1885-7), and Charles F. Tabor, four years (1888-91).

Holding the office of State Engineer and Surveyor, were Elnathan Sweet, three years (1885-7), and John Bogert, four years (1888-91).

The officers named in the foregoing list were elected by popular vote, and were all Democrats with the exception of Joseph B. Carr, who was Secretary of State during the first year of Governor Hill's administration.

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In the Department of Education, the Superintendents of Public Instruction, elected by the members of both houses of the Legislature on joint ballot were: William B. Ruggles, Democrat, one year (1885), and Andrew S. Draper, Republican, six years (1886-91). Melvil Dewey, Secretary of the Board of Regents, was practically in charge of the administration of the Department of Higher Education for the three years 1889-91.

The principal Executive officers who held their offices by appointment from the Governor, with the advice and consent of the Senate, all of whom were Democrats except Isaac V. Baker, jr., were as follows:

Superintendent of the Banking Department — Willis S. Paine, four years (1885-89), and Charles M. Preston, two years (1890-1).

Superintendent of the Insurance Department — John A. McCall, jr., one year (1885); Robert A. Maxwell, five years (1886-90), and James F. Pierce, one year (1891).

Superintendent of State Prisons — Isaac V. Baker, jr., two years (1885-6), and Austin Lathrop, five years (1887-91).

Superintendent of Public Works — James Shanahan, five years (1885-89), and Edward Hannan, two years (1890-91).

Governor Hill's principal appointees in the Executive Chamber, constituting in a sense his official family, were: Private Secretaries, William G. Rice, four years (1885-88), and Timothy S. Williams, three years (1889-

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**91); Pardon Clerks, Goodwin Brown, five years (1885-9), and John T. Joyce, two years (1890-1); Military Secretary, Edmund L. Judson, three years (1889-91); Legal Adviser, Charles A. Collin, five years (1887-91).**

The majority in each branch of the State Legislature was Republican during the entire period of Governor Hill's administration, except the last year. The only Democrats who were members of the Legislature during the entire seven years were Jacob A. Cantor, of New York City, member of Assembly three years and Senator four years, and William F. Sheehan, of Buffalo, a member of Assembly the entire seven years, and during the last year (1891) Speaker of the Assembly. Other leading Democratic members of the Legislature during Governor Hill's administration were: Robert P. Bush, who was member of Assembly from Chemung County six years (1886-91); Michael C. Murphy, of Brooklyn, who was a Senator five years (1885-9); Eugene S. Ives, of New York City, who was a Senator four years (1888-91) and a member of Assembly two years; Michael F. Collins, of Troy, John J. Linson, of Kingston, Donald McNaughton, of Rochester, and James F. Pierce, of Brooklyn, each of whom was a Senator four years; and John C. Jacobs, of Brooklyn, who was a Senator three years.

Republican members of the Legislature during the entire seven years of Governor Hill's administration were: Henry J. Coggeshall, of Waterville, J. Sloat Fassett, of Elmira, and Commodore P. Vedder, of Ellicottville, each of whom was a Senator during the entire seven

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years; Francis Hendricks, of Syracuse, who was a Senator six years and a member of Assembly one year; George Z. Erwin, of Potsdam, who was a Senator four years and a member of Assembly three years, during one of which he was Speaker, and James W. Husted, of Peekskill, who was a member of Assembly the entire seven years, during three of which he was Speaker of the Assembly.

Other leading Republican members of the Legislature during this period of seven years were: George B. Sloan, of Oswego, who was a Senator and Chairman of the Senate Finance Committee six years (1886-91); John Raines, of Canandaigua, who was a Senator four years and a member of Assembly one year; Charles T. Saxton, of Clyde, who was a Senator two years and a member of Assembly three years; William H. Robertson, of Katonah, who was a Senator and Chairman of the Senate Judiciary Committee four years; John Laughlin, of Buffalo, who was a Senator four years; Fremont Cole, of Watkins, who was a member of Assembly five years, during two of which he was Speaker of the Assembly; N. Martin Curtis, of Ogdensburg, who was a member of Assembly five years; Milo M. Acker, of Hornellsville, Danforth E. Ainsworth of Oswego, Robert Ray Hamilton, of New York, and James S. Whipple, of Salamanca, each of whom was a member of Assembly four years, and Joseph Aspinall, of Brooklyn, who was a member of Assembly three years.

The adoption of new departures in legislation may be more difficult when the Executive and the majority

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of the Legislature are of opposite political parties, as was the case in all but the last of the seven years of Governor Hill's administration, but economy and efficiency in the administration of the existing machinery of government is ordinarily promoted by a division of power between the two principal parties.

Administrative reform is not a principle on which party platforms can differ. The purposes for which the State shall raise money is a matter over which partisan controversies may arise. But the efficient and economical administration of established governmental machinery must be mainly a non-partisan matter, dependent largely on the business-like qualities of the Executive. Due credit may easily be given the Republican party, during Governor Hill's administration, for efficiently performing the functions of an opposition party, so far as active criticism and partisan hostility is concerned. Credit should also be given to the Republican majority of the Legislature as a whole, and in particular to the Republican Chairmen of the Senate Finance Committee and of the Assembly Ways and Means Committee, for both critically and cordially co-operating with Governor Hill in the great work of his administration—the efficient and economical administration of established governmental machinery—which was appreciated by the people and approved by their votes, although devoid of journalistic features.

The modern encroachments of the Executive over the Legislative Department, in State and National

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governments, had not as yet been conceived of as a possibility, and in those days would not have been submitted to by Legislatures nor tolerated for a moment by the people.

By far the larger part of the business of the State is free from entanglement with the issues of party politics, State or National, and by reason of his previous legislative experience and actual acquaintance with the details of the business affairs of the State government, Governor Hill had already learned to appreciate that the administration of the business of the State would be the most important of his duties as Governor. The key note of his administration in this respect was sounded in the opening sentences of his first annual message to the Legislature as follows:

"The fact is realized that neither branch of the Legislature is in political accord with the Executive, but this circumstance ought not necessarily to prevent a harmonious, patriotic and united effort to give to the whole people the blessings of a pure, economical and wisely administered government, conducted on business principles."

The supervision of the expenditure by the State government of twelve million dollars and upwards annually for seven years was no slight business responsibility, and Governor Hill's administration of that branch of the government was, beyond question, clean, honest, efficient, economical and thoroughly business-like. He had been a disciple of Tilden in statesmanship as well as in political organization, and he believed that the matter of most fundamental importance in State government for those times was administrative reform, the

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economical and efficient expenditure of the money drawn by the State from its citizens, and the severe limitation of the amount taken from the people to the necessities of the government economically and efficiently administered.

Although Governor Hill's administration was the longest in eighty years, yet no other administration has been freer from financial scandal. Governor Hill was not of a mercenary disposition. He was ambitious for party success, political power, honor and fame, the patriotic service of his country in high office, but he was not ambitious for wealth. He was not a lover of money for its own sake. He belonged to the former generation of political leaders who had not come under the spell of the modern spirit of commercialism. It was the special pride of Governor Hill in his later years that the test of time had developed no basis for charging, and that his severest critics had never charged, the existence of graft, extravagance, waste or inefficiency in any department of the State government while he was Governor. The nearest approach to any financial scandal during his administration was the attempted substitution of papier-mache for quartered oak by the contractor for the repair of the ceiling of the Assembly Chamber in 1889, but the attempted fraud was discovered before it was consummated, and Governor Hill was freed from personal responsibility therefor by virtue of his memorandum filed with his approval of the bill for the repair of the Assembly ceiling, in which he said :

" This act provides for the repairing of the ceiling of the Assembly Chamber by a committee of four members of the Assembly and the

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Speaker. The placing of such work in the hands of a committee of the Legislature is unbusiness-like and furnishes a pernicious and unwise precedent. The committee is to be appointed by the Speaker, and it may be assumed that not a single member thereof will possess any special or peculiar qualifications for the place. None of them are likely to know anything about the construction or repair of buildings. Such work should have been placed in the sole charge of a regular official of the State, or under the supervision of the Commissioner of the Capitol — an able, responsible architect and builder. The refusal of the Legislature to pass any other measure than this for the repairing of the Assembly ceiling can only be traceable to partisan considerations. It is understood that the committee is to be composed of two Republicans and two Democrats, members of the Assembly, and the Republican Speaker is to constitute the fifth member and hold the balance of power and control. Such a committee not infrequently constitutes the worst kind of a commission and oftentimes leads to deals, jobs, abuses and corruption. But the Legislature has persistently refused to pass any other measure, and the question is presented: What disposition should be made of this bill under the circumstances? An emergency is presented. If I refuse to approve this bill, the Assembly ceiling must remain in its present disgraceful, if not dangerous, condition for another year and during another session. After careful reflection, I have concluded, with considerable reluctance, to yield my own personal convictions, and to approve the bill."

No one could have devoted himself more diligently, intelligently and efficiently to the actual work which the office of Governor demands, as well as to the broader field of service for which the office gives scope and opportunity. There was nothing spectacular or journalistic in Governor Hill's alert and industrious devotion to the economical and efficient administration of the established machinery of the State government, but the result was felt without the necessity of proclamation from the house-

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tops, and that was fundamentally the reason why his administration holds the duration record for more than eighty years.

Ample demonstration of the business-like quality of Governor Hill's administration is furnished by the following brief table:

DATE	ADMINISTRATION OF	AVERAGE ANNUAL EXPENDITURE	STATE DEBT AT END OF EACH PERIOD
1885-1891, 7 yrs., Governor Hill,		\$12,729,239.30	\$ 2,927,654.87
1892-1894, 3 yrs., Governor Flower,		15,033,316.03	660.00
1895-1896, 2 yrs., Governor Morton,		19,923,256.20	2,320,660.00
1897-1898, 2 yrs., Governor Black,		22,668,210.69	9,340,660.00
1899-1900, 2 yrs., Governor Roosevelt,		23,149,532.13	10,130,660.00
1901-1904, 4 yrs., Governor Odell,		23,475,321.44	9,410,660.00
1905-1906, 2 yrs., Governor Higgins,		27,143,470.99	10,630,660.00
1907, 1 yr., Governor Hughes,		32,399,319.95	17,290,660.00
1908, 1 yr., Governor Hughes,		34,082,504.20	26,230,660.00
1909, 1 yr., Governor Hughes,		38,787,426.69	41,230,660.00
1910, 1 yr., Governor Hughes,		37,278,815.66	57,258,160.00

Further cumulative evidence, in extended detail, might be adduced in support of the undisputed and indisputable proposition that Governor Hill's administration was first and fundamentally business-like, in the highest and best sense of that term.

Secondly, and almost as fundamentally, Governor Hill's administration was lawyer-like, in the best sense of that term, which signifies a very important element included under the broader term statesman-like.

Governor Hill's work as a lawyer was clean-cut, concise and accurate. Legislation had previously for many years been growing more and more slovenly in

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form, and more confused and inconsistent in substance, principally because of the abnormally long postponement of the systematic revision of the statutes, which is normally due as often as every twenty years, and was nearly forty years past due when Hill became Governor.

In his first annual message to the Legislature, in 1885, after calling attention to the previous statutory revisions, the last of which had been completed in 1830, and to the incompleteness of the Penal Code and of the two Codes of Civil and Criminal Procedure, he said:

"There are serious differences of opinion among the legal profession as to the wisdom of a general codification of the remaining laws, but there is less as to the propriety of a simple revision of our statutory law. \* \* Since 1830 more general laws have been passed, and relating to more important and widely different subjects than during the period from 1777 to 1830. The statutes relating to a particular subject are in many cases numerous and inconsistent, as, for instance, the laws applicable to corporations, including religious corporations. All the laws applicable to and regulating State prisons, penitentiaries and county jails should be embraced within a single statute, instead of being scattered throughout various session laws, conflicting and in a state of confusion as at present. It is unnecessary to multiply other illustrations. It would seem as though there could not be much objection to an intelligent revision of our statutes, but as the sentiment upon this subject is far from unanimous, it is submitted to the Legislature for its consideration without further comment."

A similar recommendation took more definite shape in Governor Hill's special message to the Legislature in 1887, relating to local and special legislation, closing as follows :

"The system or abuse of special legislation is the growth of years and has been occasioned by the absence of general laws covering the subjects upon which legislation is desired.

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"The evil cannot be immediately remedied, and certainly not by the passage of hastily-conceived or ill-digested measures, but only by a series of carefully-prepared and well-considered general laws, which cannot readily or conveniently be framed by members themselves during a busy legislative session.

"I, therefore, desire to suggest for your consideration the propriety of the passage of an act authorizing the appointment of a commission of three persons, familiar with the law and with legislative proceedings, to prepare and submit to the next Legislature a series of general laws upon such subjects as may be specified in the act, or as the commissioners may deem proper and expedient."

But these recommendations remained unheeded by the Legislature until 1889, when the act was passed authorizing the appointment of three commissioners of statutory revision, who began in that year the great work, which was diligently prosecuted thereafter until its final completion in 1910, and constitutes a magnificent monument to the wisdom of Governor Hill's lawyer-like initiative.

Along the same lawyer-like lines, Governor Hill, in his first annual message to the Legislature, in 1885, recommended that provision be made by law for the appointment of a legal adviser to the Legislature, as follows :

"One of the greatest evils incident to the hasty methods of modern legislation is the careless and imperfect manner in which bills are generally framed. Much needed legislation is annually lost because of the large number of measures which are left in the hands of the Executive at the adjournment of the Legislature, which are so defective that they cannot properly be approved, and when all opportunity for correction is gone. \* \* \* The record shows that during the legislative session of 1883 some forty-five bills were recalled from the Executive Chamber, after their final passage, for necessary

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amendments and correction, while during the last session of 1884 there were fifty of such instances. \* \* It is suggested that provision be made by law for the appointment of a competent person to act as counsel to the Legislature during its session, who shall receive a reasonable compensation, to be paid by the State, whose duty it shall be, at the request of any member, to prepare any measure desired to be introduced in either House, to give legal advice in reference to proposed legislation to the members and to the various committees, and to inspect the various bills before their final passage, in order to detect errors and imperfections, and to suggest the necessary amendments and generally to act as the legal adviser of the Legislature. \* \* It is believed that the services of such an official would prevent the passage of many crude and imperfect bills, shorten the sittings of the Legislature, prove in the end a saving to the State, and prevent the loss of many important and salutary measures at the close of each session."

A recommendation to the same effect was repeated by Governor Hill in each of his subsequent annual messages, but the Legislature entirely ignored the recommendation, and, as a result, the work which ought to have been done before bills were passed by the Legislature and presented to the Governor for Executive action, had to be done in the Executive Chamber, and thus grew up the anomalous office of legal adviser of the Governor, the functions of which, for the most part, should have been assigned to legislative counsel and to the Attorney General.

The work thus done in the Executive Chamber very greatly extended the practice of recalling bills from the Governor for correction of formal defects thus discovered while the Legislature was in session. The nature and necessity of such work is illustrated by the following

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memoranda, taken almost at random, of reasons assigned by Governor Hill for not approving various thirty-day bills which had been left in his hands for Executive action in 1887, after the adjournment of the Legislature, so that the recall of the bills for amendment had become impossible :

"Defectively drafted in several minor respects, no one of which is perhaps fatal, but in combination give an appearance of slovenly legislation. While the subject of the bill, as expressed in the title, is to amend the Charter, the bill itself is partly amendatory and partly independent of the existing Charter. As this is a private or local bill, the failure to correctly express the subject in the title would at least raise a question as to its constitutionality. The object of the bill appears to be meritorious, but the delay of another year to perfect its form can cause no serious damage."

\* \* \* \* \*

"Defectively drafted. The bill proposes to amend Section 892 'to read as follows,' and by manifest oversight omits an important provision added at the end thereof by an amendment made in 1888."

\* \* \* \* \*

"Defectively drafted. The bill sets out to amend certain sections of the amended act 'so as to read as follows,' etc., including Section 8 thereof. While making a comparatively trifling amendment to Subdivision 3 of Section 8, the bill accidentally drops out Subdivision 4 thereof entirely. These companies can much better afford to lose all the amendments proposed by this bill than to lose the omitted Subdivision 4."

\* \* \* \* \*

"Defectively drafted. The bill is so worded that it is apparently the Commissioners of Highways who are to receive the compensation, instead of the Commissioners to Assess Damages, and it is difficult to say which way the Courts would construe the bill."

\* \* \* \* \*

"Defectively drafted. The chapter proposed to be amended by this bill, having been entirely repealed, is beyond the possibility,

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of amendment. This bill is another of the frequently recurring illustrations of the propriety of my repeated recommendation to the Legislature that competent counsel should be employed by them to see that all bills should be in proper legal form before they reach the Executive Chamber."

The recommendation as to employment of legislative counsel was repeated in nearly every annual message of Governor Hill thereafter, but was entirely ignored by the Legislature until 1893, when the Legislature made it the duty of the Commissioners of Statutory Revision, on request of either House of the Legislature, or of any committee, member or officer thereof, to draft or revise bills, and to render opinions as to the constitutionality, consistency or other legal effect of proposed legislation. In 1901, such duties were transferred to three competent persons, to be appointed by the temporary President of the Senate and the Speaker of the Assembly, and thus Governor Hill's recommendation was adopted fifteen years after it was originally made, and the present Legislative Bill Drafting Department, thus established, has since continued to justify the wisdom of Governor Hill's recommendation.

The beneficial results of the practical application by Governor Hill of his persistent hostility to the multiplication of special laws for particular instances, which should be covered by one general law, is well illustrated by the fact that the General Trust Company Act of 1887 was passed in pursuance of the following statement and recommendation in Governor Hill's annual message to the Legislature of that year :

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"Last year five special acts were passed for the incorporation of as many different trust companies, from which I felt compelled to withhold my approval. Each conferred different powers and imposed different restrictions, and established a different liability for the respective companies, and such acts constituted special legislation of the most objectionable character. Such companies should be organized under general laws, which should authorize the assumption of uniform powers and liabilities by each company, and it should be provided that the administration of the affairs of all trust companies should be subjected alike to the supervision, regulation and inspection of the Superintendent of the Banking Department.

"The system of general legislation contemplated by the Constitution will never be perfected so long as the Legislature each year favorably listens to the desire and claims of interested parties for special acts."

In the broader field of statesmanship, having regard to the substance rather than the form of the law, Governor Hill displayed the talent of combining accurate and extended knowledge and intelligent direction of details, with a broad and clear view of the general features and leading outlines of wise public policy. This rare combination of ability, with a fighting temperament and sometimes possibly an over-aggressive disposition, made him a great party leader, and one of the ablest and most efficient of the Chief Executives of the State.

One of Governor Hill's leading principles of State governmental policy, which he had most frequent occasion to assert, was the preservation of local self-government, or, as usually phrased, home rule, for cities and other subordinate municipalities of the State. The principle of home rule was involved in most of the partisan controversies between Governor Hill and the Repub-

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lican majority of the Legislature, and sometimes delayed legislation otherwise conceded to be important and desirable.

Other partisan controversies between Governor Hill and the Republican majority of the Legislature arose over appointments to office by the Governor, which were subject to confirmation by the Senate, and over proposed legislation in regard to the decennial State enumeration, ballot reform and the regulation of the sale of intoxicating liquors.

Looking backward over these controversies, after a lapse of twenty years, it is apparent that in all of such proposed legislation the differences arose over minor and incidental details, with substantial accord as to the fundamental character and general intent of the proposed legislation in each case; but the heat engendered by these controversies, and the vigor and earnestness with which they were conducted on the part of the Executive, is illustrated by the following opening sentences of Governor Hill's veto of one of the excise bills in 1889:

"Hypocrisy is stamped upon nearly every page and line of this measure. The bill was conceived in a partisan caucus and was not honestly designed to subserve the cause of temperance, but was pressed merely as a matter of political expediency. Its insincerity is apparent, and so apparent that it is scarcely denied. It is, however, in strict keeping with all the measures, save one, which have been passed by the Legislature during recent years upon the subject of excise. While they have been framed ostensibly for the laudable purpose of restricting and properly regulating the liquor traffic, it is clear that they have designedly been made objectionable and extreme in many features for the very purpose of preventing Executive approval. \* \* \*

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"In 1887, with loud professions in favor of temperance reform, the Legislature passed an act requiring a license fee of one thousand dollars as the minimum sum for a first-class license, leaving the maximum sum which might be charged wholly unlimited; but such provisions were only made applicable to the great Democratic cities of New York and Brooklyn, all the rest of the State being exempt from its terms. The excuse put forth for this iniquitous measure was that the moral sense of the Legislature would not approve a similar bill covering the entire State. Representatives claiming to be honest and honorable men deliberately and unblushingly voted to impose upon New York and Brooklyn a license law which neither they themselves nor their constituents would tolerate for their own localities."

But this is not the place for fighting over again the old battles. Those controversies naturally attracted more attention at the time than the more important measures which were considered without reference to party politics or personalities.

Most of the important statutes which were enacted during the seven years of Hill's Governorship were either directly or indirectly recommended or suggested by him.

The enactment of the General Trust Company Law of 1887 was almost literally compelled by his persistent vetoes of special bills for incorporation of particular trust companies with special privileges.

The act of 1887, limiting preferences in general assignments for the benefit of creditors, was passed in pursuance of recommendations contained in Governor Hill's annual messages of 1885 and 1887, in which he said :

"Under 'the general assignment act of eighteen hundred and seventy-seven,' whereby an insolvent debtor may make an assignment

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of his estate for the benefit of creditors, he is permitted to make such preferences among his creditors as he chooses. It has been demonstrated by experience that this power is subject to great abuse. It often leads to unjust favoritism, unfair discriminations and to inequitable distribution of the debtor's property, which, it would seem, it ought not to be the policy of the law to tolerate. It is a matter for careful consideration whether the ends of justice would not be promoted by an amendment to the general assignment act either limiting preferences to a portion of the assigned estate or forbidding them altogether, except for wages of employees."

The State Board of Mediation and Arbitration was created in 1886, and its powers extended in 1887, and the employment of children in factories was limited and regulated by acts passed in 1886, 1887 and 1889, in pursuance of recommendations made in the annual messages of Governor Hill, as follows :

" The differences that arise between employers and employed concerning the question of wages, almost inevitably lead to pecuniary loss for both parties to the controversy. This loss falls directly and most heavily upon the employed, while, at the same time, by reason of the possibility of such differences, the capital of the employer is exposed to undue risk and the development of industries is unnaturally limited. \* \* Arbitration, as a means of settlement of differences without the use of force, has come to hold a recognized place in the statesmanship of the nations of the world, and I am strongly of the belief that the principle can be applied with equal benefit to the reconciliation of the diverse opinions often held by those who pay and those who are paid for manual labor. \* \* I recommend that provision shall be made by law for a commission which shall have the power to investigate the subject generally, and especially the system of Courts or Boards of Arbitration as they are established in other countries, and which shall report to the present, or to some future Legislature, such a law as is necessary to secure the benefits of the system of arbitration to those interested in the advancement of the industries of this State. \* \* It is believed that with proper attention to the subject, a system can be perfected in this

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State whereby labor differences can be amicably adjusted, especially as between corporations and those whom they employ. The subject is of great moment, and it increases in importance as the country progresses. It concerns largely the security of the public peace and the welfare of workingmen, and should receive the earnest and thoughtful consideration of the Legislature. \* \* \*

"The subject of child labor should also receive your careful attention. At present there is no law which directly regulates the employment of children, and the necessity for some legislation in reference to it is apparent. The State Medical Society, the New York Society for the Prevention of Cruelty to Children, the State Workingmen's Assembly and several other reputable organizations have repeatedly requested that some action be taken to protect children of tender years from the demands of selfish and often cruel and exacting taskmasters, but the Legislature has heretofore been deaf to their appeals. It is most desirable that an act be passed abolishing labor by children under fourteen years of age, especially in factories and similar workshops, and properly regulating the employment of all minors."

The Saturday half-holiday act of 1887 was enacted in pursuance of the recommendation of Governor Hill in his annual message of that year as follows:

"In many branches of business, especially in our large cities, every Saturday afternoon is practically regarded as a holiday, as active business substantially ceases at noon of that day, and there would seem to be no reasonable objection to extending this custom, so that it should be legally applicable to all kinds of business and occupations, and afford a much-needed relief to a large class of deserving people."

The electrocution law of 1888 was enacted in accordance with the recommendations contained in Governor Hill's annual message of 1885, and repeated in his message of 1888, as follows:

"The present mode of executing criminals by hanging has come down to us from the dark ages, and it may well be questioned whether

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the science of the present day cannot provide a means for taking the life of such as are condemned to die, in a less barbarous manner. I commend this suggestion to the consideration of the Legislature."

The act of 1889 for State care of the insane and the appointment of Commissioners in Lunacy, which marked the commencement of a new era of improvement in the treatment of this unfortunate class of humanity, was prepared by two of Governor Hill's appointees in the Executive Chamber, under the personal supervision of Governor Hill.

The State prison law of 1889, which was a revision of previously existing laws relating to State prisons, with important amendments, which marked an epoch in prison reform legislation in this country, was drafted at Governor Hill's suggestion by his legal adviser, with the assistance of Warden Brush of the Sing Sing prison and Senator Fassett.

The new provisions in the revised railroad law of 1890, enlarging the powers of the Railroad Commissioners, were made in pursuance of the policy outlined by Governor Hill in his first annual message in 1885, as follows :

" The matter of railroad supervision constantly presents new and perplexing problems. The people expect and are entitled to demand from the railroad corporations the imposition of the lowest charges possible consistent with the actual cost of transportation and a reasonable profit; but they do not and should not desire such ruinous competition as has lately existed among certain railroads of the State, whereby passengers and freight are carried at rates much below actual cost, and which, if continued, must eventually engulf many of them in bankruptcy and entail great losses upon an innocent class whose means — often trust funds — are invested in such enterprises. The

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matter is one demanding the earnest attention of the Legislature, and such provision should be made by law as to insure the protection of the patrons of the railroads and also of the people whose money is invested in their securities."

These are but a few of many instances in which Governor Hill's recommendations were carried into effect while he was Governor.

Among other recommendations made by Governor Hill to the Legislature which have never yet been acted on, special interest still attaches to the following:

" Except in the matter of sea-coast defenses, wherein New York City was largely, if not chiefly, interested, I have heretofore in my messages studiously avoided any discussion of Federal legislative topics or the recommendation of instructions to our Senators and Representatives relative to Federal concerns. \* \* The present time, however, seems peculiarly opportune for our consideration of certain amendments to the Constitution of the United States having relation to the office of President. \* \* If the suggestions I make commend themselves to your honorable bodies, I recommend that, by joint resolution or otherwise, some formal expression of your views should be communicated to Congress. The amendments which I commend for your consideration are, briefly stated, as follows :

" First. That the term of office of the President and Vice President shall be six years.

" Second. That the President shall be ineligible for re-election.

" Third. That the President shall immediately, upon the expiration of his term, become a member of the United States Senate for life, and receive an appropriate salary. This amendment shall apply to all living ex-Presidents.

" The wisdom and expediency of the amendments lengthening the term of office to six years and rendering the President ineligible for re-election seem to be generally conceded. The sentiment of the people, the opinions of the newspaper press and the conclusions of many of our thoughtful political writers are, apparently, decidedly

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in favor of such a change. \* \* Business men throughout the country would welcome the relief in this direction which a longer Presidential term would afford them. The immense commercial and manufacturing development of our country apparently makes it more and more impossible to carry to a successful termination within four years any reform affecting such interests. Six years is, however, the life of three Congresses and affords a freer opportunity for a fair and full trial of any line of policy affecting internal matters which might be determined upon. \* \*

" The result of the last general election deprives the public service of the priceless experience and unique official training of another President of our Republic. At the moment when his availability as a public servant is presumably greatest, and representing, as he does, not only the eminence of character which called him to the Chief Magistracy, but the accumulated distinction and wisdom which necessarily comes with the discharge of its duties for a series of years, he must soon share the fate of all his illustrious predecessors and be consigned, in the prime of his manhood and the full maturity of his faculties, to the comparative privacy of unofficial life. This is not as it should be. I am persuaded that it is not as the people of the country wish it to be. I see no reason why this should longer be tolerated. A more auspicious moment than this has never presented itself in all our history, I believe, for securing to our retiring Presidents such rank and position as shall make due account not only of the services they may have rendered, but of those services which they, more than any other persons, are still capable of rendering to their country. \* \* \* Had our Constitution from the beginning appointed such senators, Washington would have served as a life Senator for two years; John Adams for twenty-five years; Jefferson for seventeen years; Madison for nineteen years; Monroe for six years; John Quincy Adams for eighteen years; Jackson for eight years; Van Buren for twenty-one years, and Grant for nine years.

\* \* \* These considerations, and many others that will readily occur, and that might be mentioned, have led me to suggest to you the proposal to Congress of these amendments, and I trust that this appearance favorable time and condition of affairs may not be allowed to pass without some affirmative action therein on your part.

\* \* \* \* \*

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" That it is the duty of every citizen to take an interest in public affairs, and to exercise the elective franchise at each general election seems reasonably clear. Whether that duty ought not to be made compulsory by statute is a subject worthy of respectful consideration.

" A citizen in every well-regulated State is obliged to do jury duty, and to become a soldier in time of war, if necessary, and to educate his children, as well as to care for his kindred, and he is bound to perform numerous other duties incident to his citizenship. It may well be contended that he should be required by law to exercise at all proper times the highest prerogative of citizenship. \* \* It has been suggested that it should be provided by statute that every elector who fails to vote at each general election, without lawful excuse, should be subjected to a fine or imprisonment for each offense. Large sums of money are expended at each election, especially in the rural districts, for the ostensible and avowed purpose of 'getting the vote out.' This alleged purpose, in most cases, is a mere pretense, however, and a transparent excuse for bribery and corruption. Money is disbursed under the thinly-disguised claim that it is paid and exacted for teams, time of men and other services in getting electors to the polls, when in fact its real design or effect is to influence the man whose teams or services are nominally employed and thereby secure his vote and the votes of his neighbors who accompany or assist him. The political committees of each party report that all over the State many electors, for the purpose of exacting money, assume a disinclination to vote and oftentimes assert that they will not vote unless they are paid for their time and expenses in getting to the polls, and both political parties are thus compelled to hire their own adherents to come out and vote their own party tickets. This shows to what an alarming extent elections have become corrupted. Intense, but honest, partisanship is preferable to indifference in public affairs. Corruption, and not partisanship, is the great danger of the times.

" It is argued that if every elector were compelled by law to vote, under a proper penalty for a failure to do so, a full vote would thereby be insured; the necessity or pretense for the expenditure of money to 'get the vote out' would no longer exist, and the opportunities or excuses for corruption would be greatly lessened. The argument is not without considerable merit, and the proposed change may be regarded as deserving of a fair trial."

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Governor Hill's recommendations of a graduated probate and succession tax have not been fully carried into effect. In his annual messages of 1890 and 1891, he said :

"The problem of equitable taxation is difficult and not yet solved, and probably can be solved only by a succession of experiments with some failures. \* \* Some new system of assessment and taxation must be adopted to impose upon personal property its equitable share of taxation. \* \* If, however, the Legislature in its wisdom shall hesitate to adopt the radical changes hereinbefore outlined, another method of reaching personal property for the purpose of taxation may be found in the plan of a graduated probate and succession tax upon the personal property of decedents.

"Nearly all such estates are carefully appraised by impartial officials selected by our Surrogate Courts, and upon such appraisal the personal estate can at least be subjected to one tax, although it may never have been able to be reached during the life of the decedent. A system can easily be devised absolutely requiring all estates of decedents over a certain valuation to be administered in a Surrogate's Court, to the extent of obtaining an appraisal of the personal property thereof, and after allowing reasonable exemptions to the immediate next of kin, a fair percentage tax may be imposed upon the remainder, collectible in the Surrogate's Court, and reasonably graduated according to the value of the estate. The theory of such a graduated percentage tax seems fair and just, especially in view of the fact that personal property, under existing methods, nearly entirely escapes taxation during the life of its owner. A similar system is in operation in England, and I am advised that it works satisfactorily, and the propriety of its adoption here is suggested for your consideration."

In his annual messages of 1887 and 1888, Governor Hill recommended "making manual training, within certain limits, a part of the public school system, certainly in the cities and larger towns of the State," a recommendation which has been substantially carried into effect.

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Governor Hill's recommendations as to a State road system were not carried into effect until many years after he ceased to be Governor. In his annual message to the Legislature of 1890 he said on this subject:

"The fact exists that our highways in the rural district are, as a general rule, in an unsatisfactory condition, many of them being almost impassable without great discomfort during large portions of the year, while few are kept in a proper state of repair. They are far inferior to those throughout England and several other countries in Europe, while the public roads in the New England States are conspicuously better than ours. \* \* Whatever may be the real cause, it cannot be denied that our highways are deteriorating, and that some adequate remedy should be devised. It is apparent that they are not constructed with any special skill, little or no engineering talent being employed, and the matter of culverts and drainage is largely overlooked. \* \* The required improvement of our highways should not be considered in any narrow or selfish spirit, nor should local interests alone be consulted. The interests of the whole State are involved. This aspect of the question naturally presents the inquiry whether the State itself should not take the lead in the matter of so pressing and desirable an improvement.

"It has been suggested that the State should proceed to construct through every county two highways, running in different directions and intersecting each other in about the center of the county, such roads to form a part of a complete general system, those in each county to connect with those of adjoining counties, and to be known everywhere as State roads, constructed, cared for and maintained at the expense of the State at large, under the direction and supervision of the State Engineer and Surveyor or other competent authority to be designated. This system, when once completed, would enable a person to start from New York City, Albany, or any other point, on foot or in carriage, and visit every county in the State without once leaving the State roads, thus insuring comfort, convenience, pleasure and speed. These roads should be macadamized or constructed of crushed stone or other suitable material, with proper culverts, good bridges, adequate drainage, watering troughs and

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sign-boards, so as to compare favorably with the best country roads in other countries, and existing highways could be utilized for this purpose so far as feasible.

"These State roads would not only prove of great convenience and vast advantage to the whole community, but they would serve as 'object lessons' to the local authorities, the effect of which would necessarily tend to improve the ordinary town highways and prove of inestimable benefit. \* \* It is realized that the project here suggested would require many years to fully carry out and the outlay of a vast sum of money, but the State is practically out of debt and it is believed that there are no Constitutional objections to be overcome."

It has taken over twenty-five years to carry fully into effect the recommendations of Governor Hill in each of his last five annual messages, for the appointment of a State Commission, charged with the supervision and regulation of all public utilities, as follows:

"Certain recommendations contained in my previous messages may appropriately be renewed at this time. They are as follows:  
\* \* \*

"Third. A measure creating a State commission, which shall include supervisory powers over gas, telegraph, electric lighting and telephone companies, similar to the jurisdiction conferred upon the Board of Railroad Commissioners over the railroads of the State.

"The necessity for some such tribunal has been repeatedly demonstrated, but its establishment has thus far been defeated. Its creation, however, may be regarded as only a question of time."

Rev. Thomas K. Beecher, a warm friend of Governor Hill from his earliest days of Elmira, said of him during the latter years of his Governorship: "Governor Hill has developed from a ward politician into a statesman."

David B. Hill came to Elmira a country boy with a common school education and began at the bottom of

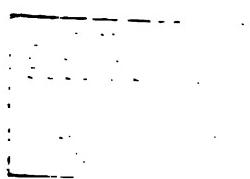
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the ladder in a law office and in Democratic politics. He became at once deeply interested and intensely active in both law and politics. His apprenticeship in each was short. He very soon became a leading lawyer and a party leader in his locality. His education in statesmanship was practical. He came up from the ranks, without preliminary academic education in scholarly statesmanship. He read carefully and critically the literature of statesmanship contemporaneously with his practice of politics. He learned statesmanship by applying sound, broad and wise judgment to the concrete situations with which he was confronted, but he kept his speech simple, direct, practical, strong and convincing. He detested hypocrisy, and would not use profound language to express plain truths. Scholarly and literary people could not forget his beginnings and were not practically wise enough nor broad enough to understand him as well as he understood them. They have never done him justice, and have often done him cruel and bitter injustice which he never resented.

As success and power came to him, Governor Hill met them in a spirit of devotion to the State. He never lost his sympathy with the kind of people among whom he was born and reared. His heart was big, but it was not big enough to hold the bitter memory of a wrong. Faithful to his friends, and tolerant of their weaknesses, he was loyal and generous at every turn.

However he may be known in history, he will be known in tradition as Governor Hill. But his career





**ROSWELL P. FLOWER.**

**Capitalist, financier; Governor. Born August 7, 1835;**  
**Governor of New York State 1892-94; died May 12th, 1899.**  
**Democratic statesman and leader.**



THE PRACTICAL

## CHAPTER IV

# ADMINISTRATION OF ROSWELL P. FLOWER

By CHARLES A. COLLIN

DURING Governor Flower's administration (1892-1894) the State was freed from debt and remained free for the short period of three years. A State debt had existed since 1815, at no time exceeding \$52,000,000. In 1895, the State again adopted the fiscal policy of borrowing large amounts for great public works, and started a new State debt, which will probably exceed \$250,000,000 by 1915. Without claiming undue credit for Governor Flower, or charging undue responsibility upon him, for the fiscal policy which culminated in the elimination of the State debt during his administration, nevertheless it remains true that this unique event in the State's history actually indicates the character of Governor Flower's statesmanship and personal influence in directing the affairs of the State while he was Governor.

His was pre-eminently a business man's administration. His disposition was to apply the same old-fashioned principles of economy and efficiency to the business of the State, which he had learned to apply,

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on a small scale in his early life and on a broad scale in his later life, in the business enterprises by which he had built up his own financial fortune. His experience had included nearly all lines of business, and he was well qualified to judge whether the State's business was well done.

During the first year of his administration Governor Flower visited and personally inspected all of the State institutions and public works, including a careful inspection of the entire canal system of the State. The knowledge thus gained was of inestimable value, enabling him to effect important reforms and to give wise direction to legislation determining the policy of the State in the construction, maintenance and operation of the great institutions and public works of the State, as well as to pass sound judgment upon the amounts to be appropriated by the State therefor.

The first summer after he entered upon his duties as Governor a strike of railroad employes occurred at Buffalo. Representatives of the railroad corporations requested him to call out the National Guard at once, fearing that the Sheriff of Erie County would not act until after actual riot or bloodshed. Governor Flower, instead, issued a proclamation requiring the local officials to exercise their full authority, and announced, in substance, that if the Sheriff then in office failed to do his duty he would be summarily removed and a new Sheriff appointed in his place. He declared that only when the local officers do their full duty and are still

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unable to preserve order would the troops be used, and then only for the purpose of assisting local officials who were doing their best, but not for the purpose of performing duties neglected by local officials. His ringing words are as true and vitally significant today as when they were uttered. Listen to the words of a true leader:

" Employes have the right to strike and peaceably persuade others to join them, but they have no right to destroy property or to attack persons. So long as they keep within the law, the State government will leave railroad companies and their employes to fight their own battles. But law must be observed; persons and property must be protected and the lawful use of property by its owners must not be interfered with. These are the ends for which the State primarily exists. For the maintenance of these ends every dollar of the State's money, the life and services of every member of its National Guard and the support of every law-abiding citizen are pledged.

" There will be no hesitation or delay by the State authorities or by the officers or members of the National Guard in using every necessary means, promptly and efficiently, for the suppression of all forms of lawless violence whenever the local authorities call for assistance, or are manifestly unable to preserve order."

Although, on the next day after these words were published, the Sheriff of Erie County and the Mayor of Buffalo reported to Governor Flower that they were unable to preserve order, and requested that the National Guard be called out to protect the lives and property of the citizens of that city and county, and the Governor took prompt action accordingly, yet the reign of disorder was practically ended on the publication of the Governor's proclamation. Within less than one week the Sheriff notified the Governor that he had requested the Adjutant General to withdraw the troops, as the necessity for their presence had ceased.

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During the first winter of Governor Flower's term, a number of bills were introduced in the Legislature, granting municipal franchises to private corporations, with no provision for compensation to the municipality. Without waiting for the passage of these bills, Governor Flower sent a special message to the Legislature declaring, in substance, but in courteous official language, that no such bill could become a law while he was Governor. Nevertheless, certain of these bills were passed and presented to Governor Flower for approval. He refused to sign them, but allowed them to be recalled for amendment in accordance with his suggestions. Upon being amended accordingly and again presented to him for Executive action, he said, in a memorandum accompanying their approval :

"These measures, as they originally passed the Legislature, did not, in my judgment, sufficiently safeguard public interests. At my suggestion they were recalled for amendment, and in my opinion are now fairly satisfactory in their terms.

"The Legislature has established in these measures the sound principle that if a public franchise whose present value is apparently nothing, or at the most indeterminable, shall hereafter prove remunerative beyond ordinary returns on capital invested, the public, as represented by the municipalities affected, should be a sharer in that remuneration. Consequently, the Legislature has imposed the condition that when the gross earnings of the company, or of its lessee, shall average \$1,700 a day for a period of six months, it shall pay into the treasury of the city one per cent. of its total gross earnings thereafter, and an additional one per cent. for every multiple of \$1,700 of additional gross earnings. Instead of the city receiving no remuneration for privileges granted, as at present, a constantly increasing remuneration will be received under the provision of this bill, should the railroad in time prove to be a sufficiently profitable enterprise."

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During the first summer of Governor Flower's term, the country was threatened with the introduction of cholera from infected foreign ports. Between August 31 and October 14, 1892, there were over 80,000 inspections at quarantine and at one time during this period many thousands of passengers in cholera-infected steamers were detained for several days. The quarantine facilities were insufficient to accommodate this vast number, and in this emergency the Health Officer of New York City called upon Governor Flower for authority to acquire additional quarantine facilities, and suggested Fire Island for that purpose, saying in his telegram to the Governor:

"Condition is serious, and delay awfully dangerous."

In reply, Governor Flower authorized the purchase of the property, and when informed that the owner would not allow the incoming passengers to land until \$50,000 in cash had been paid, and a guarantee of the payment of the balance of the purchase money within six months given, the answer came without delay:

"Agree to his terms and draw on Flower & Co. for \$50,000 cash. I will be responsible for the balance."

During the stirring political campaign of 1896, as never before since the days of the rebellion, party ties were rent asunder. A re-alignment of political affiliations resulted. People with the best of motives, or the worst, arrayed themselves against the great parties to which they had been wedded for a lifetime. Governor Flower refused to follow his party in that campaign, but

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let no man think the step did not cause him pain. He was a Democrat of the old school. The time-honored principles of the party appealed to him with tremendous power. It may be thought that with the expiration of his term as Governor, and his return to private life, the loosening of party ties in his new environment might have affected his decision, but such was not the case.

While good men advised against the step and old friends wept at the parting, it was with him a simple question of conscience and love of country. It is easy to follow one's party. It needs no particular courage to stand where one has always stood. But it requires strong conviction and great courage to act as he did, with a political future possible only within the party, and when the act of withdrawal involves the dissolution of comradeship grown old and tender, as well as the stifling of a great and worthy ambition.

To many of his contemporaries, Governor Flower was not only the great statesman and financier, upon whose eminence we gazed admiringly at a distance. To those who knew him intimately as friend, companion and wise counselor, as comrade in the tense, eager and sometimes prolonged and doubtful struggles of politics and business, in defeats seldom and in victories often—to them, Roswell P. Flower was still a great man; but they realized the qualities of his greatness in his practical wisdom, his sound judgment, his faith and patience, his supreme loyalty, his high sense of honor, his kind and generous disposition, his warm

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heart ; wherefore they loved him as a friend and brother, and became almost unconscious of his greatness.

Roswell P. Flower was born August 7, 1835. He and his father were both natives of this State, but his ancestors of the Flower line for a century or more were of sturdy Connecticut stock. Roswell was left fatherless when but eight years old. His early life was that of the typical country boy of a half century or more ago. His short school terms, coming as grateful relief from longer periods of hard work, were eagerly appreciated, and he acquired a good district and high school education.

As he entered the period of young manhood, farm and factory labor were exchanged for the work of country school teacher and clerkship in village stores, with a brief interval of store clerkship in Philadelphia.

By the time he was fairly launched in his twenty-fifth year, he had acquired a comfortable mercantile business of his own in Watertown. He continued in business in Watertown for about ten years afterward, when a business opening offered in New York City, and at the age of thirty-four he began his business career in the great metropolis, which he continued thereafter, with such interruptions as official duties made necessary, but without at any time completely severing his business interests, until he was suddenly stricken down in the fullness of his powers and success on May 12, 1899, in the sixty-fourth year of his age.

Men usually reach the limits of their ability or capacity in high official positions. All that is in them is

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demanded in the fulfillment of their duties, but Governor Flower did not reach the climax of his ability when he left the Executive office : he continued to develop in strength and character to the moment of his summons home.

His detailed knowledge of the resources of the country was wonderfully complete and accurate. His memory was a most marvelous storehouse of statistical information, always at command and always reliable. His breadth of view could not be limited by any local horizon. Already he stood high in the councils of his party, and his judgment was already appreciated in large business enterprises before he left Watertown, to enter upon the heavy responsibilities and unlimited opportunities of his new career in New York City. There he quickly took the place in the front rank of the strong men of finance, which he steadily maintained to the very day of his death.

Throughout all his later years he retained the simple, frank manner of his earlier days. With all his kindness he was shrewd, and more, he was broadly wise and sound in his business and political judgments, with a gift of intuition which partook of the character of genius. His kindness was seldom imposed upon, for he quickly recognized and thoroughly detested fraud of all kinds. He was a philanthropist in the broad and true sense, but he was not fond of erecting monuments by his philanthropy. For the most part his generosity were private and the extent of his munificence was much greater than was known or appreciated even by his most intimate

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friends. While he enjoyed the work of accumulating wealth, and the success it signified, he had no mercenary ambition to amass a great fortune.

The quality of his intellect, the direction of his energy, the trend of his ambition, all took character and color from the noble impulses of his heart. He was fundamentally generous, inflexibly upright and honorable. He was a man of enterprise, a conservative optimist. He was the very antithesis of the anarchist. Building up was his joy — tearing down a regret. His genius was essentially creative. He was a constructive organizer, not a disintegrating critic. He gloried in building up not only his own fortunes, but the fortunes of others. He rejoiced in prosperity, but the prosperity which was his alone and not shared by others gave him little satisfaction. It was impossible for him to advance himself by sacrificing his friends. Neither history nor contemporary life reveals another such man—starting without inherited fortune, achieving such conspicuous success and rendering such beneficent service to his country in each of the two great fields where the strongest men of modern times put forth their greatest energies, politics and finance.

As a statesman, his public career culminated in his wise and able administration of the highest office in the gift of the people of his native State, an office only second in dignity and opportunity to the highest office in the gift of the people of the entire nation.

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As a financier, he was one of the leading contributors to the most marvelous expansion of financial enterprise and the most wonderful increase of wealth the world has ever known, of which, as yet, we see only the beginnings, but which have already made this country the center of the industrial activity of the modern world. Inherently a patriot, his financial genius served the common weal as faithfully as his statesmanlike administration of public office.

His patriotism was the natural outgrowth of his love of humanity. He had a constant and abiding faith in the inevitable victory of right over wrong; of truth and justice over falsehood and oppression; of direct, straightforward honesty over all manner of indirection, unfair dealing and fraud. He had entire confidence that the destiny of his own people, in his own day and generation, was righteousness and prosperity, not demoralization and disaster. Being asked by a friend to append his autograph with a brief sentiment to one of his portraits, he expressed instinctively the fundamental creed of his life:

“ Believing in our country,  
“ I am, very truly yours,  
“ ROSWELL P. FLOWER.”

His career was the fitting and inevitable outcome of his faith and his genius. He had the strength born of supreme faith in his own integrity and in the integrity of the people. He had the courage of his convictions, and was fearless, firm and forceful in carrying them into execution. His energy and force of character were held

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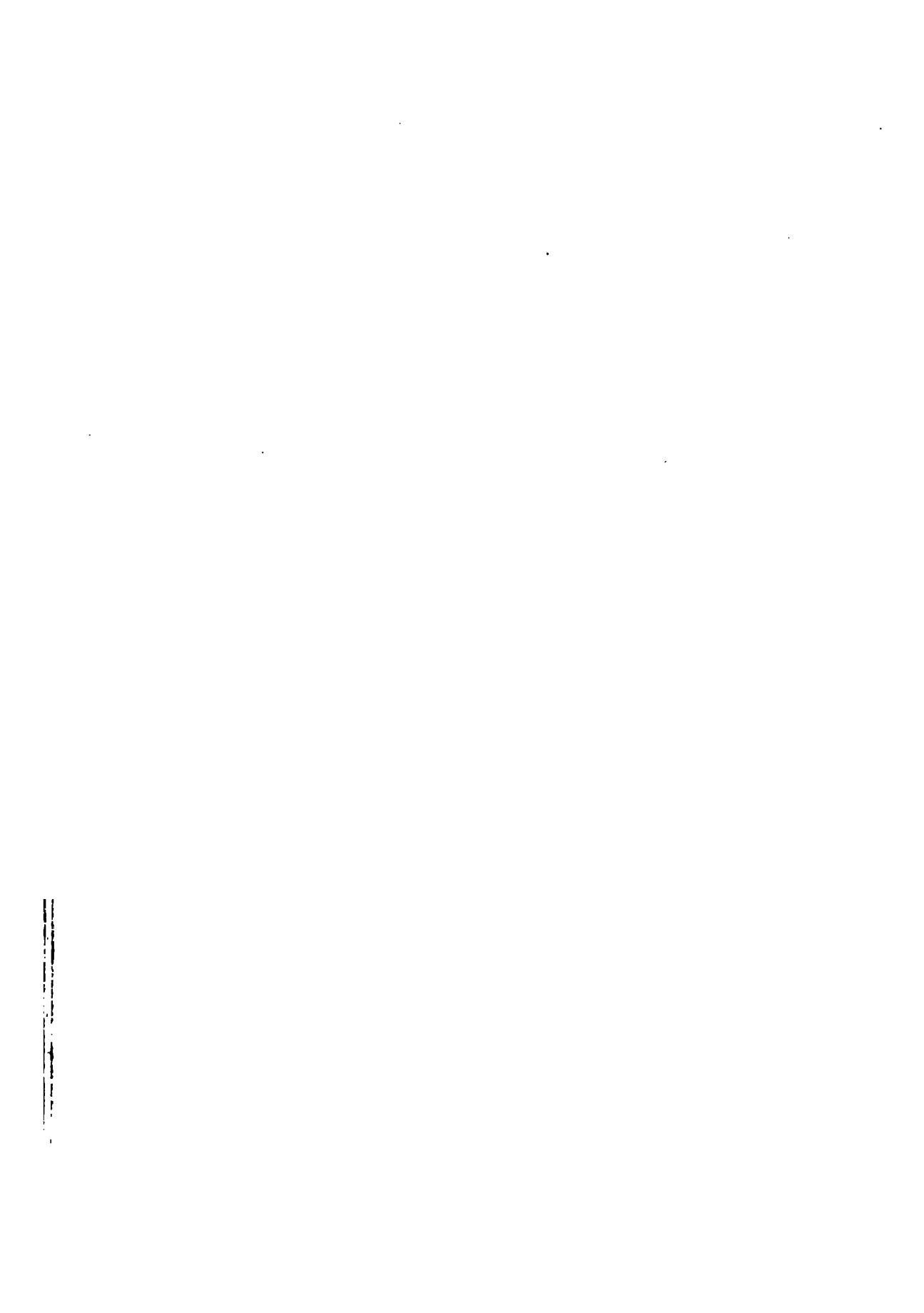
thoroughly under the control of his sound common sense and level-headed judgment. He was known and read of all men as straightforward and generous. No permanent misunderstanding of his character was possible. Where the diplomatist wins by indirectness and tact he won by his transparent sincerity, honesty of purpose and directness of aim. He did not pose before the people with assumption of superior virtue nor did he attempt to substitute the form of profound words for plain wisdom. He was absolutely free of all affectations. Underneath the surface movements of temporary popular impulse he was able to discern the true and permanent will of the people. He did not mistake each advancing or receding wave for the movement of the tide.

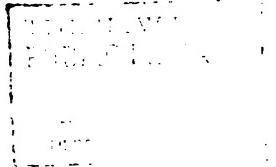
Fortunate is the country whose people are wise enough to recognize the qualities of true greatness in its foremost men while they yet live ; to distinguish the true leader who directs, resists and compels, from the prominent follower whose constant care is to sail on the front wave of every slightest popular movement, under the false pretense of leadership.

Fortunate is the leader who understands the people and whom the people understand ; who is so frank and transparent that his honesty and wisdom are appreciated in his lifetime even by those who do not agree with all his conclusions. Such a leader was Roswell P. Flower.















W. H. Dallin, Phot.

Levi S. Morton

## LITERATURE

### LEVI P. MORTON

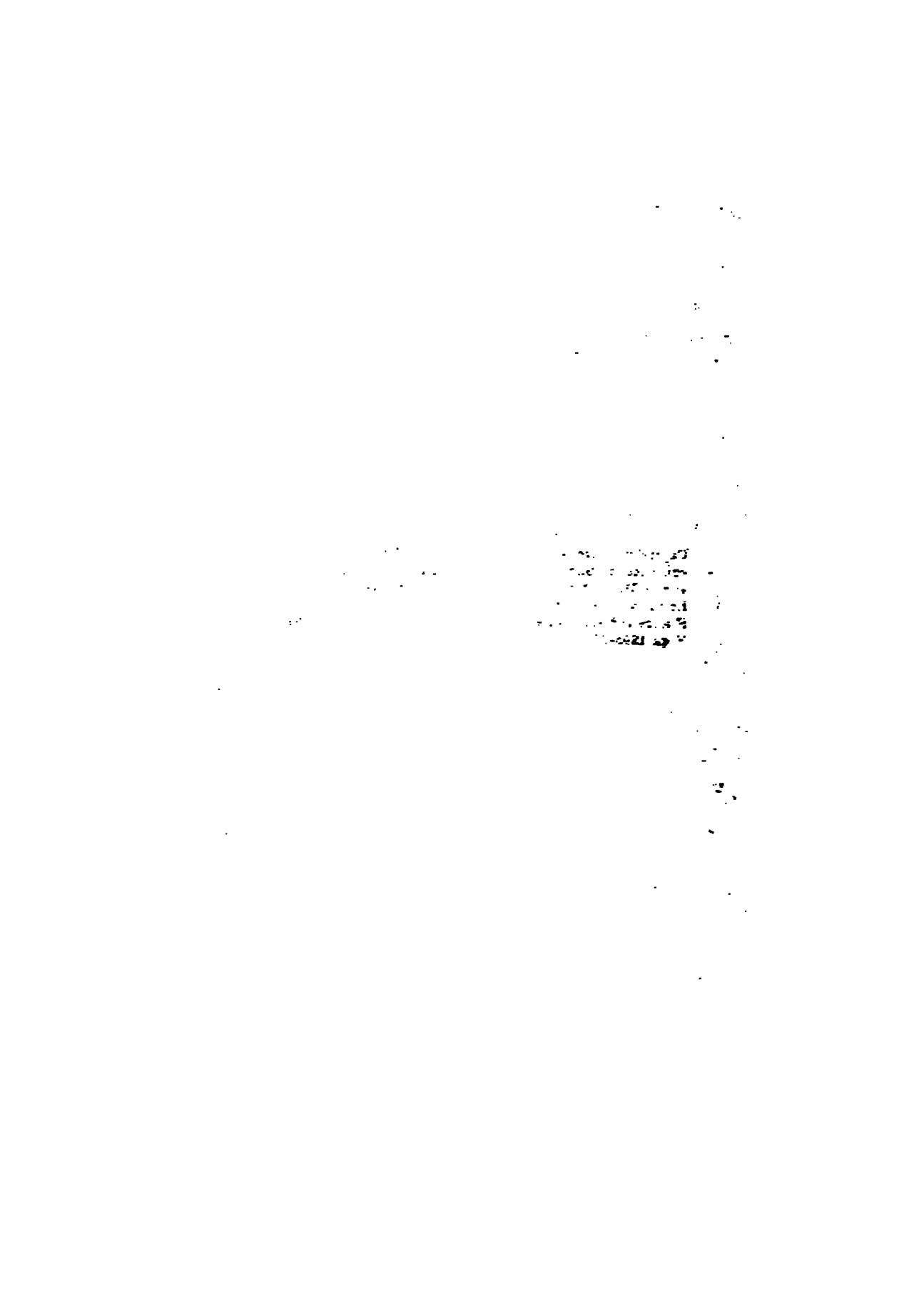
(1824-1905)

#### LEVI P. MORTON

Capitalist, merchant; born in Shoreham, Vt., May 16, 1824; educated at Shoreham Academy; LL. D. from Dartmouth and Middlebury Colleges; banker in New York and London; member of Congress 1879-83; Ambassador to France 1881-85; Vice-President 1889-93; Governor of New York 1895-96. Had also been a

Governor of New York, beginning in 1894, with the appointment of a delegation prepared to do so, went into office on the opening day of Congress, April 30, inauguration of the regular fourth Constitutional Congress, too, but did not remain long enough to see the new president elected.

Governor Morton's biography may be found in the "Dictionary of American Biography," and in the "Dictionary of American Authors."



## CHAPTER V

# ADMINISTRATION OF LEVI P. MORTON

BY HON. CHARLES Z. LINCOLN  
*Counsel to Gov. Morton*

LEVI P. MORTON'S accession to the office of Governor of New York, on the first of January, 1895, marked an important change in the political history of the State. For twelve consecutive years, ending in 1894, the Democratic party had control of the Executive Department and a portion of the time had also been in control of the Legislative Department. Governor Morton's election might well be called the beginning of a new era. His election was coincident with the approval by the people of the fourth Constitution, prepared by the Convention of 1894, and which went into effect on the first day of January, 1895, the opening day of Governor Morton's administration. His inauguration, therefore, marked the opening of our fourth Constitutional period. Governor Morton's election instituted a series of Republican administrations which have been continued unbroken for sixteen years.

Governor Morton fully appreciated the responsibility imposed on him as the political head, not only of the Republican party, but of the State, by his election

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to the Executive office. At the beginning of his first annual message he said he was "profoundly impressed with a sense of the far-reaching responsibility that devolves today upon both the Legislative and Executive branches of our State government. The complete control of both these divisions of the public power and authority has been transferred from one political party to another, and this transference of authority has been made in the hope and firm reliance of the people who ordained and wrought the change that great benefit would inure to the whole Commonwealth from the new order of things. To realize this aspiration of the sovereign people should, apart from all partisan motives, attract and gratify the highest ambition of which we are capable, and stimulate us to the furthest effort of human exertion."

Mr. Morton came to the Executive office fully equipped for its duties. His long experience as a merchant and banker, his familiarity with great financial problems, his work in Congress, his successful diplomatic experience as Minister to France and his service as Vice-President made him a conspicuous figure in public affairs. The experience and service amply qualified him for the high position of Governor of New York, and he assumed the duties of the office bringing a knowledge of men and policies which could not fail to be useful; yet, with his habitual modesty, the Governor in his opening message said he felt that in the respective Houses there were many legislators who must have a wider

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knowledge, gathered from their long experience, than he could be assumed to possess, regarding the affairs of this great Commonwealth. In the course of his service as Governor, Mr. Morton used freely all sources of information that might aid him in reaching correct conclusions on legislation or other questions of policy. He consulted members of the Legislature and other public officers, and also private citizens, all of whom responded cordially to his requests for facts or opinions.

In his first message, Governor Morton, after commenting on the relation that exists under the Constitution between the different departments of the government, said it was his conviction "that the Governor should never interfere with the work of the Legislature beyond the precise line which his constitutional duty and obligation warranted." Referring to the veto power, the Governor said it should be exercised with great care and only when required by the best interest of the State; that it should never be used by the Governor "as an instrument to aid in impressing his will upon the Legislature, nor should it be invoked to serve personal or partisan ends." Governor Morton used the veto power rather sparingly. Only four bills were vetoed directly by message to the Legislature during the session of 1895, and none were so vetoed in 1896. But the Governor made frequent use of the indirect veto. If a bill failed to meet his approval, it was his custom to inform the member who introduced it and give him an opportunity to withdraw it. Such bills were usually withdrawn and were

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thereby in many cases disposed of without direct veto; but in numerous instances the bills were withdrawn for the purpose of making amendments or corrections suggested by the Governor, and in the amended form were again passed, sent to the Governor and were approved by him. If a bill was deemed objectionable and the objection could not be cured by amendment, its withdrawal was final. By this method of dealing with bills the Governor avoided the necessity of a direct veto, and by keeping in touch with the Legislature and in communication with members interested in particular bills, he was often able to suggest amendments for the purpose of perfecting bills, which otherwise might not have received his approval. The situation was, however, quite different during the thirty-day period allowed to the Governor for the consideration of bills after the adjournment of the Legislature, during which period a bill could not become a law without the signature of the Governor. In disapproving thirty-day bills the Governor sometimes files a memorandum giving his reasons for the disapproval, but all bills left unsigned at the close of the thirty-day period are deemed vetoed, and this kind of veto is known as the omnibus veto. The Governor consistently adhered to the policy announced by him in his first message relating to the exercise of the veto power. Every student of Governor Morton's administration will admit that he realized the high ideal expressed in his first message. He appreciated the fact that under our system of government the legislative

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power had been vested in the Senate and Assembly and not primarily in the Governor, and that his relation to the subject was to be considered from two points of view, namely, his duty to initiate legislation by recommending measures which he deemed important in carrying forward the business of the State, and also in considering legislation after it had been enacted.

The magnitude of the task committed to the Governor and Legislature at the opening of a new constitutional period clearly appears from a mere recital of the topics included for the first time in the Constitution, and which required more or less action. These new topics embraced the drainage of agricultural lands, damages for injuries causing death, pool-selling, book-making, amendments relating to the right of suffrage, prison labor, civil service, the judiciary, forest preserve, canal improvement, State boards and commissions, charitable institutions, amendments relating to education, militia, city laws and terms of city officers. Several constitutional amendments were self-executing, but the foregoing list covered a wide range of subjects and necessarily demanded serious and sometimes prolonged legislative attention. Governor Morton, in his first annual message, besides referring to routine affairs intended to show the condition of the State as required by the Constitution, gave special consideration to numerous constitutional topics which required the aid of the Legislature to put them into operation, and urged careful attention in framing needed statutes.

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The new Constitution provided for several boards and commissions, some of which were already established, but were reorganized after the adoption of the new constitutional provisions. Such boards and commissions included a State Board of Charities, a State Prison Commission and the Lunacy Commission. The State Board of Charities was created in 1867, on the recommendation of Governor Fenton. The Board was made a permanent feature of our government by the Constitution of 1894. Governor Morton referred to this subject in his message of 1895. He called attention to the enlarged powers vested in the Board by the Constitution and its broader supervision and control of charitable institutions, and said that existing statutes were wholly inadequate to permit the operation of the more expansive policy contemplated by the new constitutional provision. The Legislature at this session passed a statute reorganizing and reconstructing the Board, and Governor Morton made the appointments necessary to carry the act into effect. This subject was afterwards included in the State charities law. The new Constitution also required legislation regulating payments to charitable institutions. This provision led to the enactment of a law in 1895, regulating payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for care, support and maintenance. Such payments could, under the Constitution, be made only for inmates received and retained according to rules

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prescribed by the State Board of Charities. Governor Morton, in his message of 1895, said the evident object of the new provision was "to secure, through the instrumentality of the Board, the effectual prevention of any payments for sectarian objects."

The Lunacy Commission was created in 1889, succeeding a single commissioner. The new Constitution provided for perpetuating this Commission, and it was included in the insanity law passed in 1896.

One feature of the State prison problem, as presented by the Constitution of 1894, was the creation of a State Prison Commission. Such a Commission was created by an act passed in 1895, and in July the Governor appointed the members of the Commission. He referred to this subject in his message of 1896 and indicated some lines of policy likely to be adopted by the new Commission.

The policy of canal improvement was incorporated in the new Constitution, and was urged upon the attention of the Legislature by Governor Morton in his first annual message. After pointing out the results of the canal policy in the development of the State, with facts and figures showing the present condition of canal affairs, he urged on the Legislature the need of "prompt and statesman-like action in providing for the improvement of the canals and their administration upon a sound business basis, unmixed with political or other subordinate purposes and policies." The Legislature at this session passed a statute known as the nine-million-dollar

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act, which provided for improving and enlarging the canals at an expense not exceeding \$9,000,000. This act, as required by the Constitution, was submitted to the people and was approved. The amount appropriated proved to be insufficient for the proposed improvement, and in order to carry out the policy of canal improvement contemplated by the Constitution and by the Legislature in enacting this statute, a larger appropriation, involving a much more extended improvement, was submitted to the people in 1903, when an expenditure of \$101,000,000 was authorized for the construction of a barge canal.

The provision in the new Constitution requiring the submission of proposed legislation to the cities affected made necessary some machinery to put it into operation, but for the most part the new provision was self-executing. Governor Morton, in his message of 1895, called attention to this provision relating to cities, and said it was the duty of the Legislature to provide for a public hearing in cities on bills relating to city affairs. The first bill passed by this Legislature which became a law provided for a public hearing on special city bills affecting cities of the second and third classes. A few days later a similar bill applicable to cities of the first class became a law, and machinery was thus provided in all cities for carrying into effect the constitutional requirement relating to hearings on bills.

Section 3 of Article XII of the new Constitution was intended to effect the separation between elections<sup>s</sup> of local officers in cities of the first and second classes and

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elections of State officers. The election of city officers was required to be in odd numbered years. By other provisions of the Constitution the election of State officers was to be in even numbered years. One effect of this new provision, stated in the section itself, was that the term of county officers in the counties of New York and Kings must expire at the end of an odd numbered year and regular elections could only be held in odd numbered years. By another new provision contained in Article X, Section 1, the terms of such county officers were to be fixed at either two or four years. An act was passed in 1895 applying this provision to the county of New York and fixing the terms of county officers at two years. Acts were passed in 1895 fixing the terms of office of the District Attorney and Coroners of Kings County at four years. These statutes were declared invalid because they extended the terms of incumbents. This defect was remedied by subsequent legislation.

There were also a large number of statutes relating to cities which, under the Constitution, had to be submitted to the cities affected by them, before they could be presented to the Governor for his consideration. This necessarily required new machinery in the passage of this class of laws and caused some delay in final action on such bills, but the new rule was calculated to insure careful examination of such bills by city authorities who were required to assume the responsibility of accepting or rejecting them. Much the larger part of bills of this class came from the cities of New York and Brooklyn,

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but this number was materially reduced after the consolidation of these and other municipalities constituting Greater New York.

The civil service statute of 1883, which established the civil service system in this State, was, with its amendments, in force when the civil service provision of the new Constitution went into operation on the first day of January, 1895; therefore little additional legislation was necessary. During Governor Morton's administration, statutes were passed intended to effectuate the policy declared by the Constitution as to the preference of veterans in the public service and in protecting them from removal without adequate cause and an opportunity for hearing. In both of his annual messages Governor Morton referred to the civil service provision and suggested that any needed legislation in aid of the provision be promptly enacted. In his message of 1896 he called special attention to the fact that one result of the new provision was to bring the Department of Prisons and the Department of Public Works within the operation of the civil service principle and statutes.

The subject of the drainage of agricultural lands received attention, resulting in a statute intended to give effect to the new provision. This act was held unconstitutional so far as it authorized the assessment of any part of the expense upon owners of land adjoining the land sought to be drained.

The amendments relating to the right of suffrage were for the most part self-executing and required little

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new legislation. The election law of 1896 contained ample provisions intended to carry into effect the constitutional amendment, but this statute was in many respects, so far as affected by these amendments, only the re-enactment of statutes already in force when the amendments were adopted.

The new provisions relating to the judiciary required amendments to existing statutes to conform them to new conditions. There was consequently a large body of legislation relating more or less directly to the judiciary in its various branches. One of the most important provisions of the new Constitution related to the creation of an Appellate Division of the Supreme Court, in four branches, with four judicial departments, and imposed on the Governor the duty of designating twenty-two judges for this service — seven in the first department and five in each of the others. The new organization was to become effective on the first of January, 1896. The Governor pointed out the necessity of an early division of the State into judicial departments, so that he could make the required designations of the justices of the Supreme Court to serve in the Appellate Division. He thought the designations should be made before the close of the session of the Legislature, and thus give the judges an opportunity to make suggestions as to legislation needed to perfect the new system. The Legislature passed an act creating the several branches of the Appellate Division, and the Governor made the required designations.

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The amendment relating to pool-selling and book-making was the subject of protracted consideration by the Legislature, resulting in the passage of four bills, two of which related to the improvement in the breed of horses and the establishment of racing associations, and the other bills amended the penal code in relation to gambling. All the bills were approved by the Governor. They were considered in a group and were accompanied by a memorandum in which the Governor analyzed the measures and explained his action in approving them. He pointed out the evils intended to be prevented by the constitutional amendments, and said that while the bills might not be satisfactory to all the people, they contained provisions which, fairly administered, would at least diminish the evils of book-making and pool-selling and other forms of race-track gambling. Moreover, when the bills came to the Governor, it was so late in the session that it seemed to him impracticable, if not impossible, to procure the passage of any other bills at that time, and he thought the matter should not be permitted to remain without action until another legislative session.

The prison labor amendment was the result of an agitation relating to contract labor in prisons, which agitation had continued for at least sixty years, resulting finally in the amendment submitted by the Constitutional Convention of 1894. This amendment by its terms was to take effect on the first of January, 1897. The Legislature, therefore, had two years in which to prepare for the change of policy contemplated by the

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amendment. Governor Morton, in his message of 1895, considered this amendment at some length, pointing out the evils of idleness among prisoners and suggesting that if the service of prisoners "can be legally applied to the building and improvement of roads and highways, the manufacture of clothing and other articles, the raising of food supplies on State farms and other like pursuits, all for use in State institutions, the solution of the problem may be less difficult than it now appears to be." Legislation on this subject in 1895 included statutes prescribing the method of fixing the prices on articles manufactured in prisons and regulating the sale of such articles among State institutions. The Governor referred to the matter again in his annual message of 1896, and urged on the Legislature the importance of immediate action to carry the constitutional amendment into effect before the first of January, 1897, when the new rule would become operative. The Legislature at this session (1896) passed a statute which was intended to cover the entire subject of prison labor as restricted or authorized by the new Constitution. Prisoners were required to work at hard labor in productive industries for the benefit of the State or of some political division thereof, and under this plan the entire product of prison labor was to be used by public institutions.

The foregoing brief review presents some of the problems which required the attention of the Governor and Legislature during this first administration under the new Constitution. The sketch is only an outline, but

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students of public affairs will readily understand some of the difficulties that confronted and perplexed the administration in putting into statute form the policies embodied in the new provisions of the Constitution, and which required in some instances the careful adjustment of jurisdiction vested in different departments of the State government.

There were many questions not strictly of a constitutional character, which required careful consideration by the new administration. The quantity of legislation in the State of New York, with its great wealth and population and its varied business, commercial, political, social and educational interests, is necessarily large, and it is not a matter of surprise to persons acquainted with the situation that hundreds of statutes are annually required for the expression of the new policies, or the amendment of existing laws. The wide scope of the questions considered during Governor Morton's administration is apparent when we recall statutes relating to Greater New York, the Palisades, historical places, Cornell University, common schools, the display of foreign flags on public buildings, free instruction in natural history, geography and kindred subjects in certain village and city schools by means of pictorial representations and lectures; State history, included in an act creating the office of State Historian; legislation for second and third class cities, monuments on the battle fields of Saratoga and the War of the Rebellion, improved firearms for the National Guard, making Lincoln's birthday a holiday,

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a monument to General Nicholas Herkimer, corrupt practices in relation to elections, the Cotton States Exposition at Atlanta, Georgia, legislative procedure, railroad mileage books, professional training of teachers, code revision commission, state flag, citizens' rights, rapid transit in New York, New York City magistrates, New York inferior courts, New York Mayor's power of removal, Manhattan Hospital, Salt Springs, New York Superior Court and Common Pleas, acquisition of the John Brown farm, Stony Point battle field, cessions to the United States by a deed from the Governor instead of by a special act, making appropriations for the care and maintenance of the cottage on Mt. McGregor in which General Ulysses S. Grant died, centennial of the location of the State capital at Albany, St. Lawrence reservation, election contributions, encouraging commerce on canals, continuing the revision of the statutes by general laws known as the liquor tax law, the membership corporations law, religious corporations law, poor law, domestic relations law, domestic commerce law, benevolent orders law, State charities law, insanity law, real property law and the tax law.

Many of the subjects above noted covered large fields of statute law and involved questions of great public interest. Separate paragraphs might properly be given to the consideration of several of these topics, but the limits of this article will not permit an extended discussion of them. Some of them, however, deserve more than a passing notice. To this class belongs the agitation

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and discussion resulting in the creation of Greater New York. The movement for the creation of Greater New York by the consolidation of several municipalities with the original city was not begun during Governor Morton's administration, but important action in relation to it was had during this period, resulting finally in the consummation of the plan. Agitation in favor of consolidation seems to have begun as far back as 1865, and was continued by friends of the movement until it resulted in the vote of 1894. The first statute was passed in 1890, which created a commission charged with the duty of considering the expediency of the proposed consolidation. This commission carefully examined the subject and presented bills to the Legislature during the next four years, resulting in the act of 1894, which provided for submitting the question of consolidation to the people of the municipalities to be affected by it. A majority of the people approved the proposed consolidation. Governor Morton, in his first annual message in 1895, referred to the approval by the people of the proposed consolidation, and the duty thereby imposed on the Legislature to prepare a suitable charter. He pointed out the difficulty of preparing such a charter for a city of more than 3,000,000 inhabitants, and recommended the creation of a commission to consider the subject and report to the Legislature at that session. No definite action was taken on the subject by the Legislature, and the Governor again referred to it in his message of 1896 and urged the importance of immediate action. The

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Legislature of 1896 created a commission to frame a charter for the new city. The commission was to be composed of the president of the commission created in 1890, the mayors respectively of the City of New York, Brooklyn and Long Island City, the State Engineer and Surveyor, the Attorney General and nine other persons to be appointed by the Governor. Governor Morton fully appreciated the responsibility imposed on him in making these appointments and sought to obtain and did obtain the services of men of the highest rank. The commission was a strong body and gave assiduous attention to the important task committed to it. The result of its labors was embodied in the proposed charter reported to the Legislature of 1897, and which was passed at that session.

The Constitutional Convention of 1894 intended to place the common schools above the fluctuations of legislative discretion by including a provision, Article IX, Section 1, requiring the Legislature to maintain a system of free common schools wherein all the children of the State may be educated. This provision took effect on the first of January, 1895, the opening day of Governor Morton's administration. The consolidated school law of 1894 had then been in operation less than a year and no new legislation was deemed necessary except as to some details of administration. The year 1895 is notable in our history as the centennial anniversary of the first common school law, which was passed in 1795. That act is taken as the beginning of

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our common school system. The anniversary which occurred in 1895 was generally observed throughout the State in the common schools and other educational institutions. Governor Morton called attention to the anniversary in a proclamation issued on the sixth day of April, 1895. He referred to the educational achievements of the State during the preceding century, pointed out the result, in the development due to the common school system, and urged a general observance of the anniversary of the signing of the first common school act on the ninth of April, 1795. He recommended that in common schools, academies, colleges and other educational institutions some portion of the day be devoted to "proper exercises by the pupils, their officers and friends, in recognition of this important anniversary." The centennial was observed in many schools, and was regarded as an event of much significance. Governor Morton, in his message of 1896, called attention to the fact that the preceding year had witnessed the anniversary of the inauguration of the common school system. He noted the generous appropriations for educational purposes made by the Legislature during the century and urged the continuance of the same liberal policy. The Legislature of 1895 provided for the display of the United States flag on all public school buildings, requiring school authorities to purchase flags and put them on or near the school buildings during school hours and at such other times as the school authorities might direct. Governor Morton approved the bill, and in his message

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of 1896 spoke of it as a wise provision and said it had "met a ready response and from nearly every school building in the State this object lesson of patriotism is daily displayed."

The Legislature of 1895 unanimously passed an act requiring instruction in public schools concerning the nature of alcoholic drinks and other narcotics and their effects on the human system, prescribed the hours and courses of study for the purpose of giving such instruction and provided for text books containing the needed information for use in connection with such study. Governor Morton approved the bill and filed with it a memorandum stating the reasons for his action. He said that all the objections made to the bill had been fully discussed and carefully considered, and that they did not seem sufficient to warrant him in disregarding the unanimous expression of opinion by the Legislature in favor of such instruction. He analyzed the measure and suggested some methods by which difficulties of administration might be overcome, and recommended the modification of the statute as to some details.

A sketch of Governor Morton's administration would be incomplete without some account of the liquor tax law of 1896, which, as observed by the Governor in his memorandum approving the bill, marked the beginning of a new era in excise legislation, and was a radical departure from the traditional policy of the State. Governor Morton brought this subject to the attention of the Legislature in his message of 1896, in which he

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recommended such legislation as would "measurably reduce the number of places in which intoxicating beverages shall be sold." He pointed out that New York had more such places than any other State, so far as statistics were available, and suggested that such a distinction for New York was scarcely desirable. He said that though laws might do much in restricting the liquor traffic, they could not cure all the evils incidental to it. He further observed that nearly every conceivable method of dealing with the subject had been tried in various nations and States, and he recommended that "the Legislature endeavor to formulate a law which shall, as far as practicable, embody the best features of the liquor laws now in successful operation in the various States, with a consistent aim toward reduction of the number of saloons in this State."

Executive and legislative consideration of this subject resulted in a bill introduced by Senator John Raines, of Canandaigua, which established a new excise policy. All local boards of excise were abolished and State supervision was substituted. A new State department was created to be under the direction of the State Commissioner of Excise, to be appointed by the Governor. The plan was strongly opposed and the bill was passed only after a bitter contest. The Governor, in a memorandum approving the bill, predicted that if the design of the bill was fairly worked out by faithful and competent officers, it would produce a result "so beneficial that our people will not be likely to wish to resume the system of local

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supervision." The Governor considered the bill at some length, going over the ground quite carefully, and reached the conclusion that the time had come for a change of policy in relation to excise matters. The State, he said, was amply justified in assuming entire control of the subject. The results of the use of intoxicating liquors were not simply local, but affected all the people directly or indirectly, and they had a right not only to regulate the traffic but to appropriate for State purposes a portion of the revenue derived from the business. Two-thirds of the proceeds of this form of taxation were to be paid to the municipality where the business was carried on and one-third of such proceeds was to be paid into the State treasury. By a subsequent statute, revenues derived under the liquor tax law are divided equally between the municipality and the State. The Governor's consideration of the bill involved a question of jurisdiction, resulting from the objection presented by opponents of the measure that it was a special city law under the new Constitution and should therefore have been submitted to the cities affected by it. It was not so submitted. The Governor held that it was not a special city law, but was a general law affecting all parts of the State, although the provisions of the law were not uniform as to the different localities. This view was afterwards sustained by the Court of Appeals in a test case.

The first appearance of the Palisades in the field of legislation was in 1895, when a commission was created to confer with a like commission in New Jersey and report

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as to the feasibility of securing action by the National government appropriating the Palisades in New York and New Jersey for a reservation or for the purpose of fortification. Governor Morton appointed the New York commission and a similar commission was appointed in New Jersey. The commissioners performed the duty assigned to them and presented a report to the Legislature of 1896, recommending needed legislation for the purpose of authorizing the Federal government to acquire the property and making the Palisades and the adjoining plateau a national park reservation. Governor Morton, in his message of 1896, referred to the action of the Legislature of 1895 and the report of the commission, and said that the New Jersey commission would present a similar report to the Legislature of that State. He urged prompt action to carry into effect the recommendation of the commission. The Legislature of 1896 passed an act ceding to the United States certain territory embracing the Palisades to be used by the Federal government for general military purposes; providing also for the use of the property by the State militia and in general as a public place by citizens of this State, but the property ceded was to be under the jurisdiction and supervision of the Federal government. A similar statute was passed in New Jersey in 1896, but was repealed in 1905. In 1900 an Interstate Palisades Park Commission was created, to be composed of five commissioners from New York and five from New Jersey. The commission was authorized to acquire territory

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embracing the Palisades from the New Jersey line north to Piermont Creek for the purpose of establishing a State park and thereby preserving the scenic beauty of the Palisades. Subsequent statutes authorized the extension of the park north to the southern boundary of the Stony Point reservation. New Jersey legislation runs substantially parallel with New York legislation on this subject, and it was the expressed intention to establish a park extending from Fort Lee in New Jersey north along the western bank of the Hudson to the southern boundary of the Stony Point reservation.

An act passed in 1895 authorized the Governor to appoint a board of examiners to test, examine and recommend improved firearms for the use of the militia. Governor Morton appointed such a board, by whom the subject of arms was examined with great care. The board recommended the Savage military magazine rifle for the use of the National Guard. The report of the examiners could not become effective without the approval of the Governor, and he declined to approve the report. He filed a decision in the matter in which he reviewed the whole subject, beginning with the act of 1895 providing for the appointment of the board. The result of Executive deliberation on the question was that the time was not opportune for the purchase by the State of the gun recommended, nor any other gun, partly for the reason that Congress was then considering the question of providing arms at government expense for the National Guard. The Governor also thought that in view of the

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opinion expressed by men of much experience in military affairs, the Savage magazine gun was not so desirable for the use of the militia in time of peace as either the Remington or the Springfield rifle. But aside from any question as to the kind of gun selected, the Governor suggested that in view of the fact that a bill providing for distribution of arms by the Federal government to the National Guard of the States had already passed the United States Senate and was then under consideration in the House of Representatives, action by the State should be deferred until it became known what course the National government would take, and that under the circumstances it was scarcely worth while for the State to expend \$300,000 in the purchase of arms which might not be needed.

The bill in Congress mentioned by the Governor was passed in February, 1897. It authorized the Secretary of War to supply the State militia with Springfield breech-loading rifles in exchange for the guns then in use. This proposed exchange was approved by the Legislature by an act passed in 1897, and the exchange was promptly made by the Adjutant General.

An important addition to the responsibilities of the Governor was included in the new rule relating to the passage of bills, which provided that no bill should be passed until it had been printed and on the desks of the members three calendar legislative days before its final passage unless the Governor should certify to the necessity of its immediate passage. Such a certificate became

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known as an emergency message. This exception gives the Governor power to waive the constitutional requirement and authorize the passage of a bill before it is printed. Such a waiver is sometimes needed during the last three days of the legislative session. A bill introduced during these three days, or which has not previously been printed, cannot be passed without such a certificate. Governor Morton used this power very sparingly. He applied to the constitutional provision a strict construction, following substantially the suggestion made by Elihu Root in the Constitutional Convention, that a certificate of necessity should be granted only in a real "public emergency," and the Governor declined to issue such certificates until near the close of the session. The only certificates issued by him were during the last three days of the session, four being issued in 1895 and five in 1896.

The new Constitution contained a provision that judges of the Court of Appeals and justices of the Supreme Court whose terms of office were abridged by the age limit and whose compensation was continued for the remainder of the term, might afterwards, with their consent, be assigned by the Governor to any duty in the Supreme Court while they continued to receive such compensation. This provision made a temporary addition to the judicial force by continuing in service judges of long experience who were willing to serve the State while receiving compensation from its treasury. Governor Morton on several occasions assigned judges in

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this class to judicial service, but there were only a few such judges and this provision soon worked itself out by death or the lapse of time. The new Constitution did not contain a provision for compensation during the remainder of a term abridged by the age limit, except as to judges elected prior to January 1, 1894.

In his annual message of 1895, Governor Morton urged the strictest economy in appropriations, observing that the burden of expenses in different departments in recent years had become "grievous and unbearable." Indirect taxation, he said, did not afford complete relief, which could only be realized by rigid economy in expenses. He deprecated the recent large increase in the number and expenses of commissions, and urged the abolition or consolidation of many of them. The Governor recommended that the Legislature appoint a committee to investigate the expenses of all State departments. The Legislature responded to this suggestion by adopting a concurrent resolution providing for the appointment of a joint committee "to investigate all the departments, bureaus, offices, commissions, and institutions of the State as to the management and expenses of the same, and to recommend such changes in the law as will bring about a reduction in the expenses of management and greater economy in the public service."

The Governor referred again to the subject of economy in two vetoes sent to the Legislature of 1895, disapproving bills for the erection of two armories — one at

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Ogdensburg and one at Whitehall. In the Ogdensburg veto he discussed at some length the subject of economy in this branch of public administration, pointing out that there were then pending in the Legislature, for the repair of armories at different places, bills amounting in all to \$136,750. In addition to the repair bills, the Legislature had under consideration bills for the erection of eight new armories, which with the Ogdensburg bill carried appropriations amounting to more than \$1,100,000, making in all for armory appropriations over one and one-quarter million dollars. The Governor thought that the interest of the National Guard did not demand such excessive appropriations. In the same veto message the Governor referred to large appropriations then pending in the Legislature for the repair and erection of normal school buildings, which bills, he said, carried appropriations amounting to more than \$442,000. The Governor said that pending appropriations for State hospitals aggregated \$1,795,000, and said these appropriations could not reasonably be demanded by the interest of the public service and that the period of business depression through which the people were passing demanded the utmost care in public expenditures. Subsequently several other appropriations for armories were disapproved and also one for a normal school.

In 1896 the Governor made economy the subject of a special message to the Legislature, which was transmitted on the twenty-second of January. He said that bills carrying appropriations aggregating \$2,500,000 had

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already been introduced, although the Legislature had been in actual session only ten days, and the general appropriation and supply bills had not yet been prepared. The Governor protested against the tendency to extravagance disclosed by these appropriations and again urged the strictest economy in public expenses. The Governor's suggestion as to economy manifestly bore fruit, for there were only a few items of appropriations disapproved by him. These included one normal school bill, an item for expenses of the Executive department in the investigation of charges against public officers, maintenance of a draw-bridge in Dutchess County, breakwater and lighthouse on Keuka Lake and the refund of taxes alleged to have been erroneously assessed. These appropriations amounted to about \$93,000. In the Ogdensburg veto the Governor protested against the loose methods of making appropriations for public buildings which resulted from the policy of the construction of such buildings on incomplete plans and specifications, which almost necessarily led to extravagance and was not in accord with good business methods. The Governor recommended that statutes making appropriations for public buildings contain a provision requiring the plans and specifications to be filed with the Comptroller, accompanied by a certificate of the head of the department by which the building is to be used stating that the building can be constructed within the amount appropriated.

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In addition to the duties to be performed by the Governor as the Executive head of the State and his part in legislation by way of recommendation of particular subjects, and afterwards in considering the bills submitted to him by the Legislature, his office sometimes becomes judicial and he is required to determine questions of law and questions of fact. By the Constitution and by statute he is vested in many cases with the power of removal of public officers. While this power is in a large sense political, its exercise involves a preliminary judicial function, for when charges are presented against a public officer and a demand is made for his removal, the Governor must hear the charges or direct a reference to a commissioner for that purpose and ultimately determine the whole question. Seven cases involving charges against public officers were considered by Governor Morton. One required him to determine the correctness of the decision of a county judge in removing certain excise commissioners. Governor Morton approved the removal. There were two cases against county clerks, one against the inspector of gas meters, one against a sheriff, one against the State Superintendent of Banks and one against the State Superintendent of Prisons. The most important case was that of the State Superintendent of Prisons. The Superintendent was not charged with direct official misconduct, but it was claimed that he had been negligent in his supervision of prison affairs. The actual misconduct, if any, was committed by subordinates in

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the prison department, and it was asserted that the Superintendent had failed to do his duty by not procuring the removal of such subordinates. The Governor may appoint and remove the Superintendent, the Superintendent may appoint and remove the agents, wardens and other officers, and the agent or warden may appoint and remove subordinate employees. The Governor held that if charges were presented to the warden against a subordinate employee and the warden failed to act in a proper case, such neglect would be sufficient to justify charges against the warden, to be presented to the Superintendent, and if it appeared that the warden was negligent in failing to remove a subordinate in a proper case and the Superintendent should neglect to remove such a warden, this neglect would be a good ground of complaint to the Governor against the Superintendent. Governor Morton held that the Governor might inquire into the conduct of subordinates, not for the purpose of removing them, which he had no power to do, but because he is charged with the duty of determining the propriety of continuing in office the Superintendent, who has power over his subordinates, and because the Governor is bound to take care that the laws are faithfully executed.

Governor Morton laid down the rule that "the State is entitled to the best service of the best men, and no one should be retained in office who shows by his conduct, his character or his habits that he is not worthy of the trust vested in him." This case involved a question of

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jurisdiction which should here be noted. The proceeding originated in an investigation by a legislative joint committee. The report of the committee and the testimony taken by it were submitted to the Governor for his action. He declined to use this testimony as the basis of charges against the Superintendent. He said the "investigation by the Legislature was a legitimate exercise of power by a co-ordinate branch of the State government, and it had an undoubted right to inquire into the management of the State prisons for the purpose of obtaining information for its guidance in framing appropriate legislation and for other purposes," but the Governor thought this investigation could not be made the basis of an inquiry by him concerning the conduct of an accused officer. The Governor thought he was not required to formulate charges and then act in a judicial capacity in determining the question of removal; such charges should come from some other source. The testimony taken by the legislative committee did not constitute charges within the meaning of the Constitution. The Governor's decision not to act on the report and testimony presented by the legislative committee was communicated to the chairman of the sub-committee, and afterwards formal charges were presented in the usual way. The charges against the Superintendent of Prisons were dismissed and in the other cases the charges were either dismissed or the proceedings were discontinued.

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Governor Morton's administration ended on the thirty-first of December, 1896. The next day his successor, Frank S. Black, was inaugurated with appropriate ceremonies, which were held in the Assembly Chamber. On this occasion Governor Morton delivered a farewell address, in which he briefly reviewed the principal features of his administration. He expressed his acknowledgements for the high honors conferred on him by the people of the State, and for the courtesy, the uniform kindness and considerate forbearance which had been extended to him during his administration. He said that to serve the people of New York had been a continual pleasure, and he would not soon forget the honor of having been their servant.

Thus Governor Morton's administration passed into history. Its record is creditable alike to the Governor, the Legislature and the people of the State. An examination of our Executive history shows that each administration has had its own peculiar problems, sometimes inherited from prior administrations, sometimes thrust upon it by unexpected events in State and National affairs, sometimes the result of ingenious speculation concerning real or imaginary conditions which seemed to demand attention. The problems presented for consideration by Governor Morton's administration were devolved upon it by the people themselves, and this administration had to deal with fundamental and far-reaching questions relating to the form and organization of State and local institutions. Governor Morton gave

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to the State a plain business administration, devoted to the consideration of present problems, and there was little opportunity to exploit new and untried theories of social progress. The work in hand was sufficient to tax the energies of all whose lot it was to bear a part in public affairs during this period of our history. The results speak for themselves, and the Governor might very properly, as he did in his farewell address, express satisfaction with the condition of the State at the termination of his administration.







Copied by Max H. Hall, N.Y.

Frank S. Black

**FRANK S. BLACK**

**Born Limington, Me., March 8, 1853; graduated at Dartmouth College 1875; Dartmouth LL. D. 1898; admitted to bar 1879; began practice in Troy; member of Congress 1895-96; Governor of New York 1897-98.**

**WITNESSES:**

**Durant:**

Were the above facts true?

**Houses:** No, they were not true.

**Transactions:**

**The traps:**

Frank Black

anyone else

The traps were set by Frank Black

He did not know who set them



Frank S. Black

## CHAPTER VI

# ADMINISTRATION OF FRANK S. BLACK

By WILLIAM M. GRIFFITH  
*Secretary to Gov. Black*

THE administration of Governor Black was distinctly a constructive one. During his term of office many important and far-reaching statutes were enacted. It was a time when party feeling ran high and when there was more or less factional disturbance, brought about very largely by the various measures which were proposed in the Legislature. During his administration the sessions of the Legislature were the shortest on record. The members of both Houses worked hard, steadily and persistently, and transacted their work promptly to the satisfaction of the people.

Frank S. Black is a native of Maine. Brought up among the sturdy residents of that old State, he inherited the qualities of perception, of persistency, of devotion to duty, and of honesty that have made so many of Maine's sons famous in our history. He literally worked himself, alone and unaided, to the position which he occupied as Governor. He was graduated from Dartmouth College in the year 1875, and, after graduation,

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came to New York State, where he has since resided. His first venture was in the sale of oil paintings through Central New York. He soon drifted to Johnstown, New York, where he became interested in the publication of a newspaper, and remained there for a while; then moved to Troy, where, in connection with the study of law, he indulged more or less in newspaper work. After being admitted to the bar he began the practice of law in that city, and by a steady application and with great persistency he acquired a practice which soon enabled him to be ranked among the leading lawyers of the bar of Rensselaer County. His entrance into politics was in a measure accidental. A tough ring had practically seized the entire city of Troy and was using all the departments of that city for its own ends. Ballot-box stuffing was a common practice and life was a menace to anyone who dared to speak out against this nefarious gang. Realizing the condition in which his home city was placed, Mr. Black promptly took the lead in an effort to bring the members of this gang to justice. The memory of the Bat Shea murder trial is still fresh in the minds of the people, and it was during this period that Governor Black's work was so prominent and so effective that his name became known throughout the entire State.

Two years prior to his election for Governor he was elected Representative in Congress from his home district. He served his constituency faithfully, and could easily have remained there had it not been

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that at the Saratoga convention, by a unanimous vote, he was nominated for Governor of the State of New York. His election followed by a majority unprecedented in the history of the State.

In his first message to the Legislature, on the sixth of January, 1897, he made several very important recommendations. Among them was the necessity of the completion of the Capitol, which had been over thirty years in the process of construction and in which over \$22,000,000 had been spent or appropriated. Quoting from his message, he said: "This building should be finished at once: the work should be done by contract, and sufficient money appropriated to pay for it."

A matter which was very dear to his heart was the preservation of the forests. It is perhaps not too much to say that he was one of the original conservators in the United States in the matter of forests. His remarks upon this subject struck a responsive chord, and it was under his direction and as a result of his efforts that the State entered upon the policy of the preservation of the Adirondacks.

In this first message, also, he urged upon the Legislature the advisability of biennial sessions, and in fact throughout his entire administration this subject he regarded as one of the most important.

Perhaps the subject which created more comment and aroused more criticism than any other during his first year of administration was his attitude on the civil service question. His bill seems to have been misunderstood.

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but it is a significant fact that time has justified the position which he then took. Governor Black was never opposed to civil service. I quote from his message: "The value of practical civil service is beyond question. Civil service is intended to secure for the public, at a reasonable cost, unquestioned integrity and approved skill, enlarged by continuous service." His conjecture was that the ability to pass the examination did not necessarily carry with it fitness for the practical service, and that "experience, character, tact and even muscle may be of more importance in some cases than the fraction of one per cent. in an examination in geography." He maintained that certain discretion should be allowed the appointing power, which should not be subordinated to the marking system, and therefore he suggested two tests — one of merit, based upon the examination, and one of fitness, based upon personality and character. It is a singular fact that his plan has practically been adopted since by the very men who were most indecorous in their criticisms at that time, and it has come to be recognized by all fair-minded men that the ability to pass an examination does not necessarily carry with it ability for service, and that personal character and personality must necessarily enter into the fitness. Governor Black was hailed as the enemy of civil service reform when in fact he was the best friend that that great movement has had.

During the first year of his administration, the Legislature appropriated \$1,000,000 for the purchase of

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lands in the Adirondacks. Over 250,000 acres of land were purchased with that appropriation, at an average cost of \$3.74 per acre, and the State entered upon a policy, which has since been recognized as one of the highest wisdom, in preserving for the people these valuable tracts which, in course of time, cannot fail to administer not only to the health and pleasure of the citizens of New York State, but also to their financial betterment. If nothing else had been done during the two years of Governor Black's administration, the policy of forest preservation would have been sufficient to have made his administration memorable in the annals of the State.

During the second year of his administration he advocated that a tract should be set apart, under the direction of the Regents of the State, or some similar body not subject to political change, where a policy of scientific forestry should be carried on. He thoroughly believed that the time would come when the State would sell timber to the lumber men and spruce to the pulp mills, and would reap a large benefit for itself and still retain the woods open to the public, thus protecting the source of water.

During his administration Governor Black was very urgent in insisting that some method should be adopted for the improvement of the country roads. In almost every communication to the Legislature he urged this important policy, which has since been adopted, to their attention. In his second message he said:

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" Many sections of the State unsurpassed in beauty and fertility are neglected and almost unknown because the condition of the highways affording the only approach makes them difficult of access. A good road is one of the chief elements of the value of the farm. If its fertility be slight, it may still be desirable if its surroundings are attractive and the approaches suitable." It is fair to assume that because of the continuous pressure of this subject to the attention of the Legislature a great step was taken toward the policy which the State has since entered into for the improvement of the public highways.

It was under his direction that the Capitol was finally completed. For many years appropriations had been annually made with but very little apparent result. As a result of his efforts, money sufficient was appropriated for the completion of the Capitol under contract, and the last change in the plan was made and the present plans were adopted by the Capitol Commission on the eleventh day of February, 1896, and in his second message he uttered this prophecy, which was fulfilled on the day mentioned: "The structure will be completed, the sheds torn down and the walks laid before the first day of next October." This was not accomplished without great effort. The change of the plan from day's labor to contract work was not attended without bitter controversy and strong feeling. The contract system took from the various political leaders that which had been valuable to them in their political

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work. Antagonisms which were created lasted for a long time, but the people were with Governor Black and, through his efforts, the Capitol on the hill became a finished product on the day mentioned. It is not too much to say that this act of his, drastic though it was, was of the greatest benefit not only to the taxpayers of the State but also to the officials in enabling them to perform their work under the very best circumstances.

During the first year of Governor Black's administration the statute creating the greater city of New York was placed upon the statute books. Such a subject, involving as it did such vast interests, required the most careful study, and while this matter was in the hands of the Commission, Governor Black gave it a great deal of attention and thought and co-operated so far as he was able with the Commission in the Legislature, realizing the profound responsibility which rested upon him as the Governor of the State. While the charter as passed was by no means perfect, during his second year he steadfastly declined to sanction the passage of bills amending the charter, taking the ground that the time had not arrived for such amendments, inasmuch as the charter had not had an opportunity to determine its strength or weakness. The creation of the Greater City was accomplished under his administration.

Another subject which created considerable discussion was the one relating to the salaries of the teachers in New York City. It was practically the same bill which since his time has come before every Governor.

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In his memorandum of disapproval of that bill he placed the responsibility with directness and with force just where it belonged. He showed that the Municipal Assembly of the city of New York had ample power under the charter to fix the salary of any person or persons whose compensation is paid out of the city treasury. To quote from this veto message, he said:

"There is, therefore, no reason or excuse for an application to the Legislature. There is no community in the State which at this minute is more wedded to the doctrine of home rule than the city of New York. Having the power to act, the city should take the responsibility. \* \* I believe the teachers in New York are not paid as they should be."

While he was in full sympathy with the bill so far as increasing the salaries is concerned, so much had been said by the residents of the city of New York against legislative interference with their ideas of home rule that he felt that in a matter of such great importance the city itself should take the responsibility.

During Governor Black's administration the United States became involved in the war with Spain, and therefore the labor required by the Executive of the State in his work of co-operation with the national government was unusually heavy. The letter which he wrote to Colonel Daniel Appleton of the Seventh Regiment is a model of common sense and force. In it he said:

"When the first call for troops came from Washington, the Government there asked that the call be filled by the National Guard of the different States. My strong personal wish was that our National Guard should remain at home and that the need of the

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Government should be met solely by volunteers. \* \* The whole Guard could not go, for New York's quota was not large enough to embrace its entire Guard. For that reason, and no other, some of our regiment and separate companies were left at home. The need for its services at home is as great now as ever. The State, with billions of property, millions of people, and of vast territorial extent, should not be left without a drilled militia. I have felt that under the first call many men went to the front who should have stayed at home. Some enlisted under pressure, which was neither intelligent nor just, forcing them to a step which the interests of the Government did not require, and which was prompted mainly by the fear of censure if they remained at home."

When the second call came from Washington it did not contain a request for the National Guard, and so there was a general call sent out for enlistments. The response to this call was wonderful, although the full quota of New York State, including both the first and second call, was only 24,000 men. Thousands upon thousands offered their services, and the difficulty was not in the acceptance but in the declination.

The Legislature appropriated in March \$1,000,000 to meet the contingency abroad. It cost New York \$960,493.72 to put in the field, properly equipped, 16,000 men. The work of Governor Black in connection with this war received the highest commendations from Washington and met the warmest approval of the great mass of citizens of the State of New York. It was perfectly natural that there should be many disappointed, but under the peculiar character of the calls which came no other course was left open for him to pursue than the one he did pursue. One recommendation which he made

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to the Legislature, which, however, was not acted upon, ought to be mentioned here. He suggested the wisdom of putting the National Guard upon a footing where its chief executive officer should be beyond political control. He believed that such an officer should be a permanent one and not changed every time a new administration came into power. The importance of the National Guard is conceded by every one, and the necessity of putting it beyond political party must appeal to common sense.

Among the bills introduced in the Legislature during Governor Black's term of office which attracted considerable public attention, and which he thoroughly disapproved of, was the one known as the Metropolitan police bill and anti-caricaturist bill. The greatest pressure was brought to bear to secure his approval of these bills, and while neither of them passed the Legislature, it was because he gave notice in advance that under no circumstances would he approve such bills if passed. The one would have created a tremendous political machine, and the other, although strenuously urged by many of his personal friends, he objected to on the ground that it was unwise and a violation of personal rights. It is a fact that is not always remembered that sometimes the greatest service that a Governor may render to the State is not in what he approves, but in what he prevents. Governor Black was particularly strong along the lines of prevention; many a bill would have been introduced into the Legislature had it not been that to pass such a

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bill would have invited the Governor's veto. He was particularly strenuous against any bill that sought a partisan advantage. He recognized that he was the Governor of all the people and not of party, and while he was always a strong party man and a firm believer in organization, he never allowed his position to be warped by his partisan feeling. It came to be known among all legislators that party bills would fare very poorly in the Legislature, and in so doing he served the State as faithfully and as conscientiously as any one could possibly do.

It was during Governor Black's administration that the direct tax for meeting the expenses of the State government ended. Through legislation enacted, enough money was raised without a tax to meet all expenses of government. Governor Black was particularly careful about the appropriation bills. He scrutinized each item with care, and every expenditure that received his sanction was only granted after consultation with the heads of departments with a view of obtaining the reasons therefor.

During his administration he made it a point to visit our various charitable institutions. He examined with great care the work that was being done for the relief of the unfortunates of the State, as well as for their protection, and many improvements in the way of administration were suggested by him as a result of his careful personal inspection.

During his term of office one extra session of the Legislature was called. This session was held July,

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1898, and in his message to the Legislature he recommended for legislative action the following subjects:

*First* — The appropriation to meet the expense of providing New York's share of the troops required in the war with Spain.

*Second* — A plan to enable voters absent from their homes in military service to vote at coming elections.

*Third* — A provision which would better protect citizens who would vote according to law, and more certainly prevent and punish those who would vote otherwise.

This was followed later by a supplementary message which recommended the creation of a metropolitan elections district, having a State Superintendent therein, with prescribed powers and duties, and the bi-partisan representation on local election boards, which should be passed upon the recommendation of political parties or the committees thereof.

His reason for suggesting the plan to enable voters absent from their homes to vote was due to the fact that there were 20,000 male citizens of New York at that time in the field, and it was entirely probable that by election time a large part of them would still be there. He claimed that the rights of the soldier as a citizen should be preserved and extended.

Perhaps one of the most important measures recommended and passed under his administration was the election law. Probably no message of recent years has more definitely and clearly stated the importance of

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protecting citizens who would vote according to law than the one written by Governor Black on the eleventh day of July, 1898. It is a message which should be read by every citizen, and states so clearly and so definitely the particulars that must obtain on honest elections that there leaves but little more to be said. We cannot refrain from quoting quite extensively from his message:

“ There are laws now designed to protect honest votes and suppress those that are fraudulent, but none except the unintelligent or the unfair maintain that these laws are always effective. Perhaps no law can produce an absolutely clean result, but until that result is as honest as law can make it, the subject will never be closed. There is no direction in which law-breakers have been so defiant and successful as against the right of suffrage. No government can long endure which does not check and punish this highest of all forms of treason. Other offenses compared with it are small and insignificant. An honest franchise lies at the bottom of all governmental stability. You will enact laws in vain against theft and pillage if the greatest evil, a corrupted franchise, goes uncleansed. It will profit little to save the veins if the arteries are cut. It is far too common to make election crimes of the fall public jests in the following spring. The citizens of Plattsburg or Watertown have the same right to demand an honest vote in New York City that they have to demand it at home, for in a general election the fraudulent vote destroys the power of an honest one, whether in the same box with it or in one three hundred miles away.”

As a result of this extra session there was established the present primary law, which has been in operation for twelve years. No one has ever regarded that as the last word in the issue, but all thoughtful citizens have recognized the fact that it has accomplished a great good, and up to the present is the best law ever placed upon our statute books upon that subject. The experience that

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has been gained by the framing of that law is the basis upon which new legislation will doubtless soon be made. It was a great step in advance, and it was accomplished only after vigorous personal effort on the part of Governor Black. The creation of the metropolitan elections district, with the superintendent, has done more to bring about honest elections in our great community than any law that has ever before been placed upon the statute books. No greater service could have been rendered the State and its citizens than to hedge about our elections with every safeguard, and Governor Frank S. Black is entitled to the thanks of the citizens of this State for working so faithfully and securing such excellent results along this line. In connection with the State Board of Elections there was established the bi-partisan representation of local election boards, which has been a great help in bringing about honest elections.

But little need be said regarding the appointments that were made during his term of office. Of course, it is a well-known fact that there are always many applications for positions in the State government, and that most disappointed ones are uncharitable enough to believe the appointment that has been made is very much worse than might have been the case. A great deal of criticism was made against Governor Black because of his appointment of the Honorable Louis F. Payn as Superintendent of Insurance, and yet, after all has been said, Governor Black knew his man thoroughly and knew that his appointment would give to the State a splendid

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administration of that important department. No word of just criticism has ever been leveled against Mr. Payn's administration of that office. It was clean, effective and strong.

The other departments of the State government whose heads were appointed by Governor Black were all satisfactorily administered. The men who were named had the confidence of the people, and merited that confidence by the manner in which they discharged their duties.

In conclusion, Governor Frank S. Black served the people faithfully and well. He was at all times dignified, gentlemanly, courteous. He had but one thought in mind, and that was to serve his State to the very best of his ability. He entered into the consideration of every problem with an open mind, and gave to that problem the careful study of a clear, clean, legal brain. His conclusions were fair, and he was able to state his results in the clearest possible English. His administration does not suffer in comparison with any other. It stands out clearly as an administration of accomplishment.



Eugene L. Casile, N.Y.

Theodore Roosevelt-

# THEODORE DE BURGH

**THEODORE ROOSEVELT**  
Born in New York, October 27, 1858; graduated from Harvard 1880; LL. D. Columbia, Hope College, Yale, Harvard, University of Pennsylvania, Clark University; member of Assembly 1881-82-83; president U. S. Civil Service Commission; police commissioner in New York under Mayor Strong; Secretary of Navy 1897; in Spanish war; Governor of New York State 1898-1900; Vice-President 1901; succeeded to Presidency September 14, 1901, on death of President McKinley; elected President 1904.

THEODORE ROOSEVELT

and Rosenberg 1989). In most of New York City, it is  
estimated that 10% of the population has been  
exposed to concentrations of lead above U.S.  
Environmental Protection Agency's "safe" level  
of 10 micrograms per square meter. This  
is twice the concentration that is safe for  
children. In Manhattan, New York City, 100,000  
children are exposed to lead dust from  
old paint in their homes (Friedman 1990).

Theodore Roosevelt

# CHAPTER VII

## ADMINISTRATION OF THEODORE ROOSEVELT

BY HON. WILLIAM J. YOUNGS

*Secretary to Gov. Roosevelt  
U. S. District Attorney for Eastern District of New York*

THEODORE ROOSEVELT entered the office of Chief Executive of the State fully equipped, both mentally and politically, for the great duties which he had assumed. His experience as a member of the Assembly, Police Commissioner and Civil Service Commissioner had familiarized him alike with the various departments of the State Government; had enabled him to understand most thoroughly the necessity for absolute integrity and intelligence in the selection of appointees and had given him exceptional advantages in understanding clearly the needs not only of the rural districts but also those of the great metropolis. His life in Washington as Assistant Secretary of the Navy had brought him into contact with the great leaders of the State and Nation, and from them he had derived much valuable information which enabled him to comprehend existing political conditions, not only within his own State, but throughout the nation at large. In addition to this, as a student and writer, he had surrounded

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himself with men of broad views, high intelligence and cultivated tastes. All these combined to render him a competent and well equipped Chief Executive.

The inaugural address was short and to the point. Governor Roosevelt said, amongst other things:

"Upon the great fundamental issues of good government, there must always be a unity of interest among all persons who wish well to the Commonwealth. There is much less need of genius or of any special brilliancy in the administration of our government than there is of such homely virtues and qualities as common sense, honesty and courage. It is not given to any man or any set of men to see with absolutely clear vision into the future. All that can be done is to face facts as we find them; to meet each difficulty in a practical fashion, and to strive steadily for the betterment both of our civic and social condition. We must realize on the one hand that we can do little if we do not set ourselves a high ideal, and on the other, that we will fail in accomplishing even this little if we do not work through practical methods and with a readiness to face life as it is and not as we think it ought to be. \* \* in the long run he serves his party best who most helps to make it instantly responsive to every need of the people and to the highest demands of that spirit which tends to drive us onwards and upward."

Previous to this inaugural address the Governor had surrounded himself with a large number of prominent citizens of the State, and in the selection of such advisers, due care was had to consult with those who were most intimately acquainted with the workings of the various State departments; and it can be safely said that upon his induction into office he was familiar with many of the inside details and workings of the several administrative bureaus.

Particularly had he sought information and counsel from those having charge of the eleemosynary and penal

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institutions, the tenement houses, the forest preserve, and those who were intimately acquainted with the educational departments of the State. In each of these he was particularly interested, and to these he devoted the greatest care and attention. The Governor's first message, therefore, to the Legislature was replete with matters relating to the several departments. In this message he entered somewhat into detail as to the matters of enforcing the law regulating the hours of labor; the employment of minors under fourteen years of age and of women employed in mercantile houses; the sanitary condition of stores and factories; the providing of secure scaffolding in the erection of new buildings; the laws regulating the hours of labor on railways, and the sweat shop system, of which latter he said: "It is practically the conversion of the poorest class of living apartments into one wholesale pest-creating and crime-breeding workshop."

He recommended that the entire body of legislation relating to labor be placed in the Board of Factory Inspectors and the Bureau of Labor Statistics, and that the Board of Mediation and Arbitration and the Factory Inspectors' Department be brought to the highest standard of efficiency and usefulness.

In speaking of the laws relating to forestry, Governor Roosevelt said:

"The forest preserve will be a monument to the wisdom of its founders. It is very important that, in acquiring additional land, we shall not forget that it is more necessary to preserve what we have

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already acquired and to protect that, not only against the depredation of man, but also against that most serious of all enemies, forest fires. The laws for the protection of the game and fish of the wilderness seem to be working well, but they should be more rigidly enforced."

He recommended the enlargement and development of the Naval Militia and the unification of the Educational Departments in order that all departments of that then dual system might be united in a harmonious whole. The passages relating to civil service were such as would be naturally expected of one who had been at the head of the civil service of the United States. His message throughout was statesman-like and conservative and did much to establish at the outset complete confidence in his administration. Few changes were made in the official office staff; all of the appointees, with the exceptions of the Secretary to the Governor and Military Secretary, were retained.

The custom of receiving members of the Legislature and State officers was changed, and instead of promiscuous interviews with these officials, the hours from nine to eleven and from three to five o'clock were set apart for such interviews. Other visitors were received by card, an innovation which worked greatly to the advantage, not only of the Governor, but also of those who called upon him, since these were not obliged to wait at the Executive offices before they could obtain an interview. During the morning hour preceding the time at which the first Legislature assembled, the Governor called into his private chamber for consultation

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the members of the various branches of the administrative departments to consider the administration of those departments from a physical standpoint. Those with whom he was then brought in contact were somewhat surprised to find that he had well-considered ideas for economizing time and reducing expenses, and several innovations were immediately made in the conduct of Executive business.

Heretofore, it had been customary for the correspondents of the various newspapers to come and go at their pleasure. This system was changed and the representatives of the various journals were requested to meet the Governor at certain hours; those representing the evening papers at eleven o'clock in the morning and those representing the morning papers at five o'clock in the afternoon. This program was strictly adhered to during the entire administration and was highly appreciated by the several correspondents.

The Governor's mail usually averaged about three thousand letters a month during the legislative session, and fifteen hundred letters a month while the Legislature was not in session. The highest number of letters and circulars during any one day sent out by the Executive Department was 346.

While the Legislature was in session, on the third of January, the Governor requested the leading members of both Houses to meet him in the Executive Chamber, where a long conference was held as to the policy to be pursued during the session. It was then made apparent

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that before attempting any measures of reform in State policy, the Governor was determined that his best efforts toward administrative reform would be in relation to the personnel of the several departments. He believed that it would be of little use to attempt any reforms which he anticipated in the way of legislation until those who had charge and care of the several departments were found to be men of the highest character and thoroughly capable in performing their work. He directed that the Executive Department should not be closed until its daily work was accomplished, and preferred rather that the work in hand should be finished than that the appointees should watch the hands of the clock and close down the desk because it had struck five.

At this time the matter of holding weekly conferences with the members of the departments was considered. The Governor's experience in Washington had taught him how greatly the President was aided by the frequent consultations with his Cabinet, and he felt that similar consultations with the elective State officers would be of greater advantage to the State, and would greatly aid him in his correct understanding of the needs of the several departments.

It was the consensus of opinion that such an innovation would result in a better understanding of the condition of affairs, and it was accordingly agreed that such conferences should be held and these were continued throughout his administration. The "Cabinet

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Meetings," as they were called, became an active force in the consideration of many perplexing questions.

The Governor gave particular attention to the alleged scandal which was then known as the "Nine Million Dollar Canal Appropriation." He felt that it was necessary that he should adopt such a course of action as would give confidence to the people that whatever reforms were adopted would be upon broad, conservative lines, and that the interest of the canals should not suffer either by reason of inadequate supply of funds or by improper administration. He was therefore very careful in the selection of his Commissioner of Public Works, the official who has the direct charge of the administration of canal affairs. After consultation with those whom he deemed the most capable of advising him upon this subject, he selected Colonel John N. Partridge, of Brooklyn, for that important duty. This official served during the Governor's entire term with satisfaction, not only to the Governor, but to all the people of the State of New York.

A matter of great concern, and one which the Superintendent of Public Buildings had to cope with, was the ventilation of the Executive Department. Notwithstanding there were registers intended for ventilation, it was found upon examinations that these were shams and were fitted directly into the solid walls of the building, without flues to connect them with the outer air. It was largely owing to the careless and negligent action of the Capitol Commissioner in that respect which caused

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the Governor to remove him, and to replace him by appointing George L. Heins, a competent and distinguished architect of New York City, to the position. The designation "Capitol Commissioner" was changed at the Governor's suggestion and the term "State Architect" substituted.

During the entire legislative session of 1899 the Governor was besought by the representatives of nearly all the agricultural societies of the State to deliver an address at the time of their annual county fairs. So far as he was able to do so he complied with these requests, and during the summer and early fall of 1899 he made an extended tour of the State and delivered addresses at the localities which had been agreed upon. This was far from being a period of recreation for him, but he felt that he should be acquainted as largely as possible with the people of the State, and particularly he desired to be brought in contact with those having agricultural and mechanical interests at heart.

During the latter part of the autumn of 1899, the Governor devoted a large portion of his time to the preparation of his annual message, and also in taking such physical exercise as it was possible for him to allow without conflicting with the Executive duties.

During the year of 1899, that the canal system of the State might be thoroughly investigated, the Governor appointed a committee of gentlemen consisting of General Francis V. Greene, of New York, Mr. Frank S. Witherbee, of Port Henry, Major Symons, of the United States

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Army, Mr. John N. Scatcherd of Buffalo, and ex-Mayor George E. Green, of Binghamton, to examine the whole canal question. He had also appointed a commission on the proposed educational bill.

The first portion of his message in 1900 related to the report of these commissions. In this portion of his message the Governor said :

" I wish to call attention to the fact that the gentlemen serving on these two bodies are business men, whose lives are filled with exacting duties; yet they have given, unpaid, months of their valuable time and their best thought and effort to the solution of these problems. Such disinterested expert service is of incalculable value to the State and makes it greatly the debtor to the men rendering the service.

" The conduct of these \* \* commissions \* \* emphasizes one of the most pleasing features of our public life, viz., the readiness with which able and high-minded private citizens will do special public work when they are convinced of its necessity from the public standpoint."

Governor Roosevelt again entered upon an exhaustive and painstaking resumé of his ideas relating to taxation, and then took up the question of the "Modern Industrial Conditions." In speaking upon this point, he said:

" It is almost equally dangerous either to blink at evils and refuse to acknowledge their existence, or to strike at them in a spirit of ignorant revenge, thereby doing far more harm than is remedied. The need can be met only by careful study of conditions and by action which, while taken boldly and without hesitation, is neither heedless nor reckless. It is well to remember on the one hand that the adoption of what is reasonable in the demands of reformers is the surest way to prevent the adoption of what is unreasonable, and on the other hand that many of the worst and most dangerous

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laws which have been put upon statute books have been put there by zealous reformers with excellent intentions."

He next urges the necessity of absolute publicity as "the one sure and adequate remedy which we can now invoke. There may be other remedies, but what these others are we can only find out by publicity as the result of investigation. The first requisite is knowledge, full and complete."

The needs of Labor, the National Guard and Naval Militia, the Fisheries, Forest and Game Commissions, and an amendment to the vagrancy law, the preservation of the Palisades, and the advocacy of State aid for the Pan-American Exposition are fully set forth in this message which terminates with an appeal to the Legislature for economy and against over-legislation.

Special messages during this year were presented to the Legislature upon the report of the Commission on the Commerce of New York and upon the bill recommending the Tenement House Commission.

The Governor's first act in the year 1900 was the appointment of the Honorable Edgar M. Cullen to serve as an Associate Judge of the Court of Appeals. This appointment met with the entire approval of the people of the State, and has since been ratified by the selection of Judge Cullen to be the Chief Judge of that high tribunal.

Prior to the annual election in the year 1900, William S. Devery, who was then the Chief of Police in the city of New York, directed his subordinates in office to disregard the chief of the State Election Bureau and his

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deputies in relation to the elections in New York City. When this matter was brought to the attention of the Governor, he wrote the following letters:

" STATE OF NEW YORK

" Oyster Bay, November 5, 1900.

" *To the Mayor of the City of New York:*

" Sir: My attention has been called to the official order issued by Chief of Police Devery, in which he directs his subordinates to disregard the Chief of the State Election Bureau, John McCullagh, and his deputies. Unless you have already taken steps to secure the recall of this order, it is necessary for me to point out that I shall be obliged to hold you responsible as the head of the city government for the action of the Chief of Police, if it should result in any breach of the peace and intimidation or any crime whatever against the election laws. The State and City authorities should work together. I will not fail to call to summary account either State or City authority, in the event of either being guilty of intimidation or connivance at fraud or of failure to protect every legal voter in his rights. I therefore hereby notify you that in the event of any wrongdoing following upon the failure immediately to recall Chief Devery's order, or upon any action or inaction on the part of Chief Devery, I must necessarily call you to account.

" Yours, etc.,

" THEODORE ROOSEVELT."

" STATE OF NEW YORK

" Oyster Bay, November 5, 1900.

" *To the Sheriff of the County of New York:*

" Sir: My attention has been called to the official order issued by Chief of Police Devery, in which he directs his subordinates to disregard the Chief of the State Election Bureau, John McCullagh, and his deputies.

" It is your duty to assist in the orderly enforcement of the law, and I shall hold you strictly responsible for any breach of the public peace within your county, or for any failure on your part to do your full duty in connection with the election tomorrow.

" Yours truly,

" THEODORE ROOSEVELT."

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" STATE OF NEW YORK

" Oyster Bay, November 5, 1890.

" To the District Attorney of the County of New York:

" Sir: My attention has been called to the official order issued by Chief of Police Devery, in which he directs his subordinates to disregard the Chief of the State Election Bureau, John McCullagh, and his deputies.

" In view of this order, I call your attention to the fact that it is your duty to assist in the orderly enforcement of the law, and there must be no failure on your part to do your full duty in the matter.

" Yours truly,

" THEODORE ROOSEVELT."

As the result of this correspondence the election in New York City in that year was carried on in an orderly and comparatively honest manner. Charges, however, having been preferred against the District Attorney for his failure to assist "in the orderly enforcement of the law," the matter was investigated by the Governor, and the District Attorney removed from office.

There were also numerous changes in the personnel of the various departments in the winter, the most prominent being the selection of the Honorable Francis Hendricks to succeed Louis F. Payn as Superintendent of Insurance. During this winter, also, changes were made in the leasing of State lands, which greatly inured to the benefit of the State.

During the preceding fall the Governor had made a special examination of the conditions existing in the State asylums, reformatories and other eleemosynary institutions, and while as a result of these examinations he found that the condition of the institutions was

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tolerably satisfactory, yet there was need of reform, especially in the matter of administration. He looked upon many of the expenditures in certain institutions as extravagant, and he had determined upon a system of economy which, while it would not in any way interfere with the health or comfort of the inmates, would result in a large saving to the State. He did not believe that it was necessary to erect costly theatres for the amusement of such, nor did he believe that brass bands were a necessary part of the administration of such institutions while the methods of checking expenditures, both for the care and maintenance, were inadequate. He had desired to adopt a thorough system of reform in the administration of the State's prisons, and, as before stated, he had hoped that during his Gubernatorial career he could bring about a reconciliation between the heads of the educational departments which would result in such an unification as would be acceptable to the parties having the care of these institutions and to the people at large. These and many other minor reforms it had been his intention to see adopted before he left Albany, and he had in most instances evolved a clear and comprehensive method for the attainment of his purposes.

There were several measures introduced into the Legislature during the Governor's term of office in which he was deeply interested. The most prominent of these measures was the franchise tax bill. Everything had apparently moved smoothly with Governor Roosevelt and the Republican organization until the franchise tax

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bill introduced by Senator Ford made its appearance in the Legislature. In his first annual message, the Governor had formulated no general or specific plan of taxation. In his special message of March 27, 1899, he had said, amongst other things: "A corporation which derives its powers from the State should pay to the State just percentage of its earnings as a return for the privileges which it enjoys." And at the same time he recommended that a Commission of the Legislature should be formed to investigate the subject. In the meantime Senator Ford had introduced his bill, which in terms provided that, after the passage of the act, franchises should be taxed as realty, leaving the assessing power in the hands of the various local boards. Of course, the various able attorneys for the corporations attacked the bill virulently, but it passed the Senate by a very substantial majority. After it had passed the upper House it was more bitterly opposed, and if possible more ably argued, in the Assembly. Many consultations were had with prominent lawyers, both those who were largely interested in the corporations and those who were not, and it was with considerable satisfaction, therefore, that it was found, after these consultations, that a large majority of those consulted favored the taxing of franchises as real estate.

The final adjournment of the Legislature had been fixed at April 28th. Accordingly, on April 27th, the Governor prepared and sent to the Assembly an emergency message "certifying" (in accordance with Section

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15 of Article III of the Constitution) "to the necessity for the immediate passage" of the bill. For some reason this message was not announced during the day to the body of the Assembly. It was alleged that during the night a determined effort had been made either to delay a vote, or, if a vote were taken, then that there should not be a majority in its favor. These facts were brought to the Governor's attention at the Executive Mansion about seven o'clock in the morning, and by eight o'clock he was at the Executive Chamber, ready for business. His stenographer was quickly called, and he dictated the following message:

"STATE OF NEW YORK  
"Executive Chamber,  
"Albany, April 28, 1899.

"*To the Assembly:*

"I learn that the emergency message which I sent last evening to the Assembly on behalf of the franchise tax bill has not been read. I therefore send hereby another message upon the subject. I need not impress upon the Assembly the need of passing this bill at once. It has been passed by an overwhelming vote through the Senate. A large majority of the Assembly have signed a petition asking that it be put through. It establishes the principle that hereafter corporations holding franchises from the public shall pay their just share of the public burden. It is too late to try to amend or perfect the bill, even should such amendment or improvement be deemed desirable. It is one of the most important measures (I am tempted to say the most important measure) that has been before the Legislature this year. I cannot too strongly urge its immediate passage.

"THEODORE ROOSEVELT."

To avoid any mistake, this message was delivered to the Assembly in the usual way by the "Secretary to the Governor," and was immediately read to the House.

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where the bill was passed by a very substantial majority. It then required only the Governor's signature to enact the measure into law.

Of course, the bill was attacked from all parts of the State by influential corporations, and the Governor called to his aid, in arriving at a conclusion, representative men from all parts of the State, including justices of the Supreme Court, tax experts, practical business men and representatives of large agricultural interests. There was no question at the time, in his mind, as to the propriety of signing the bill, so far as its principle was concerned, the only question which arose being the question of its administration. After his signature had been attached and the measure had become law, it was believed by many who were interested in its fundamental provisions that an error had been made in vesting the taxing power in the hands of the local assessors, and that it should be amended in such a way that the assessment should be made by the State Board of Tax Commissioners. Therefore, it appearing to the Governor's satisfaction that this was a very proper criticism of the law as it stood, on May 17th, 1899, he issued a proclamation convening the Legislature in extraordinary session to be held at the Capitol on the twenty-second day of May.

Immediately after issuing the proclamation, and during all the time between that day and the day of the meeting of the Legislature in extra session, the labor of draughting and perfecting a proper bill began. It would

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be both interesting and instructive to elaborate upon the work done, a labor involving a mass of examination of authorities and detail of construction which was simply stupendous. Such resumé, however, cannot be made within the limits of this article.

The Legislature met, pursuant to the proclamation of May 17th, on the 22nd, when the Governor in a long message recommended the enactment of a law, "which shall tax all these franchises as realty; which shall provide for the assessment of taxes by the Board of State Tax Commissioners, and which shall further provide that from the tax thus levied for the benefit of each locality there shall be deducted the tax now paid by the corporation in question to the locality." The bill thereupon passed both Houses, and was signed by the Governor.

It was very stoutly contended by the opponents of the bill that it was unconstitutional in several of its features, but the care which was exercised by the framers of the measure was so great that the law has been declared to be constitutional by the highest State Courts and by the United States Supreme Court. This was the first great administration measure of the Roosevelt régime, and it will remain upon the statute books as a monument not only of his fearless integrity but of his sagacity as a leader of public thought.

There was no subject which the Governor approached with greater intensity of purpose than that of the canals. Three months after his inauguration, the Governor had completely changed the administration of canal affairs

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and had replaced unfit appointees with men who were both competent and willing to perform the duty assigned to them. There was, however, one matter which gave him trouble, namely, the numerous breaks which from time to time appeared. After very careful consideration, he came to the conclusion that some of these breaks, at least, were the work of malicious persons, or perhaps that some contractors had employed certain evil-disposed persons to break the banks that they might secure the contracts for repairs. Evidence of this condition of affairs having been brought to his attention, he required the Commissioner of Public Works to thoroughly investigate, and after a short time suspicion became certainty, and the Attorney General was directed to bring criminal prosecutions. These were skilfully conducted and the evidence obtained was so conclusive that several of the accused men were convicted and sent to State prison. The result was most salutary and there has since been a great diminution in the number of breaks on the canal.

During the sessions of the Legislature many bills were introduced affecting the forest, fish and game question, and a mass of data was accumulated in order that the Governor might arrive at a thoroughly intelligent conclusion on this most important subject. Experts on forestry and arbor culture were summoned, and Colonel W. F. Fox was directed to make an exhaustive examination and report the result of his conclusions at the earliest possible date conducive with a thoroughly scientific digest. Although the State had perpetually

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preserved a large portion of the Adirondack region and a smaller region in the Catskills, the Governor deemed it of importance that there should be a larger area preserved in the latter, and he therefore advocated an extension of the Catskill preserve in the counties of Delaware, Green, Sullivan and Ulster, and an act to that effect and appropriating the sum of \$50,000 became a law. Out of a mass of bills which had poured into the Legislature regarding the matters relating to the fish, forest and game laws, thirty-five amendments were made to the then existing laws.

The necessity for a change in the administration of these laws, insofar as they related to the game wardens and game protectors, was apparent. Accordingly, during the early fall of 1899, the Governor directed a large number of Adirondack guides to meet him in the Executive Chamber for consultation upon that subject. These men knew their business and knew the needs of the preserve; whatever was to its benefit was to their benefit, and whatever was to its detriment was also to their detriment. At the end of the consultation it was ascertained that many of the game wardens and game protectors were men of excellent character, but in many instances the appointees had little or no knowledge of their duties. Accordingly, on November 28th, the Governor wrote to the Commission a strong letter in which he said amongst other things :

“ I want as game wardens men of courage, resolution and hardihood, who can handle the rifle, axe and paddle; who can camp out

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in summer and winter; who can go on snow shoes, if necessary; who can go through the woods by day or by night without regard to trails. I should like full information about all your employes, as to their capacities, as to the labor they perform, as to their distribution from and where they do their work."

Soon after this a number of changes were recommended, which inured greatly to the good of the public service. The Governor referred to this at length in his second message to the Legislature.

For many years a conflict had been waged between the State Board of Regents and the Department of Public Instruction. It was to bring about an unification of these two important divisions of the State work that the Governor appointed a commission of prominent educators. This commission devoted much time to the consideration of the various schemes for unification and accompanied their report by a proposed bill. The Regents on the one hand and the Department of Public Instruction on the other had widely diverse opinions, and although strenuous efforts were made, no reconciliation was effected and the bill of that year failed to become a law.

During Governor Roosevelt's term of office as Police Commissioner he had constantly sought to ameliorate the condition of those unfortunate ones whom poverty and want had in many instances driven almost to desperation in the slums of New York. It was during this period that he became intensely interested in the University Settlement. To bring about results which would tend to still further assuage the conditions existing at that

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time was the Governor's earnest desire and his constant care. There were certain reforms that he knew were imperative and needed immediate attention, and for the draughting of these measures he employed the services of some of the most eminent philanthropists in the State as to the substance, while the Statutory Revision Commission draughted the measures as to form. In 1899, the "act to amend the labor law relating to licenses for the manufacture of certain articles in tenements" was passed, but with this he was not content, and accordingly in his message of 1900 the Governor suggested the appointment of a "Tenement House Commission," the duties of which should be "to make a careful examination into the tenement houses in cities of the first class: their conditions as to construction, healthfulness, safety, rentals and the effect of the tenement house life on the health, education, savings and morals of those who live in tenement houses, and all other phases of the so-called tenement house question in these cities that can affect the public welfare."

While the bill providing for this commission was in the Legislature, the Governor sent to that body a long and important message. Mr. Robert W. DeForest, a prominent philanthropist of New York, was the chairman of this commission, and the commission itself included other prominent philanthropists, lawyers and architects, and composed as fine a body of men as ever sat upon any commission in the State of New York. Unfortunately, Governor Roosevelt was not destined to receive the

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report of these commissioners. Numerous other legislative enactments of benefit to the people, embracing subjects which have been embodied in the Governor's messages, became laws. To enumerate them all is impossible in an article of this kind.

By both the Constitution and the statutes, the Governor is given power of appointment and removal. Where the office to be filled is of sufficient importance, the Governor appoints by and with the consent of the Senate, but in minor instances the Governor alone is the appointing power.

To Governor Roosevelt merit was always the best test by which an appointment should be made. When men of equal merit were suggested, then locality became a factor, and when these two had been satisfactorily adjusted, then the organization was consulted before a final determination. No man received any consideration by reason of influence alone, nor did any man who possessed merit fail to receive consideration because he had no influence. Fully imbued with the idea that there could be no real and substantial reformation in the departments unless the individual workers were clean, capable and zealous in the performance of duty, the Governor made such painstaking examinations as to fitness for official position that the standard of appointments became raised to the highest degree of efficiency. It must not be understood that there were wholesale or sweeping removals from office, for the changes made were comparatively few. The new men, however, were thoroughly

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imbued with the spirit of earnestness in their work, and this spirit spread like a contagion to the older men, and this to such a degree that at the end of the two years there was not a head of a department, nor scarcely a man in an inferior position, who did not feel an interest in his work, which was as commendable as it was somewhat unique among Government officials.

The power to appoint carries with it the power to remove from office. There is, however, this difference: The power of removal is absolute and need not be concurred in by the Senate except in the case of elective officers. No person, however, may be removed except by charges of misfeasance, malfeasance or neglect of duty, except in the case of State Architect or Civil Service Commissioner, when the appointment is at the will of the Governor. In addition to the power to remove State officers who are appointive, the Governor has also power to remove, upon charges, a district attorney, county clerk, county treasurer and sheriff, who are quasi State officers. In cases of this kind the charges are formulated, verified and filed with the Governor. The Governor thereupon causes a notice to be filed and served upon the accused officer requiring him to answer and show cause why he should not be removed from office, to which notice a copy of the charges is attached. It needs but a casual consideration of the situation to show clearly that in most instances the Governor is judge and jury. It was little wonder, therefore, that Governor Roosevelt approached all such semi-judicial examinations with a spirit of severe

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impartiality, but with a stern and becoming sense of equal and exact justice. No case was too small for him to exercise the utmost care in reading every word of the testimony adduced, when such testimony had been taken by a commissioner, and all but two of the most important cases he heard personally. In these two instances such eminent counsel as Winfield S. Trasher, Esq., and Ansley Wilcox, Esq., were selected as commissioners. The City Club of New York preferred charges against the District Attorney of that county, and these charges embraced many type-written pages. Some of the counts were upon their face apparently groundless ; that is to say, that even if the matters complained of were true, however indiscreet may have been the actions of the prosecuting officer, they were not such as to call for removal. To examine and take the testimony in this case Mr. Wilcox was selected. The examination of witnesses pro and con lasted several weeks, and indeed so long drawn out was this investigation that although the order appointing Commissioner Wilcox was dated November 28, 1899, the final determination of the Governor was not arrived at until September 5, 1900, and the charges were dismissed. As has been heretofore stated, however, on another action and upon different charges the District Attorney of New York County was removed.

Early in the fall of 1900, the New York World preferred charges against Mayor Van Wyck on account of his alleged connection with the ice trust. The Governor

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investigated these charges personally and dismissed them. Charges against the Comptroller of New York and Judge Cowing, after having been carefully examined by the Governor and by the Attorney General, were also summarily dismissed. There were a number of charges against one of the members of the State Lunacy Commission. These the Governor undertook to carefully investigate and examined the Commissioner himself. In a written opinion, which was certainly most clearly and tersely expressed, the charges were sustained and the offending officer dismissed. The number of applications for removal was large, but the number of removals was small, and it is safe to say that no man was removed except upon such clear and convincing evidence that a petit jury would unquestionably have brought in a verdict against him.

Although those who knew the Governor intimately believed that there would be a prolific crop of veto messages during the legislative sessions, the sequel proved that the prophets were in that regard incorrect. It was his custom before the Legislature adjourned, when a bill came before him for signature which was inherently wrong, which contained unconstitutional provisions, or which was, as was often the case, improperly drawn, to send for the member who introduced the bill and request that it be withdrawn, to avoid the mortification incident to a public disapproval. In many instances the bill would be amended after its return to the Legislature and again returned to the Governor. By this means

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the member had an opportunity to pass his measure properly drawn, or after the offending portion of the original bill had been entirely eliminated. There were frequent consultations upon this method of procedure between the Governor and at least one member of his cabinet, who persistently urged that the Governor "veto the bill, and get the credit," but in almost every instance the Governor as persistently refused. It must not be supposed that the Governor was at all sparing with the return of bills; on the contrary, the number of bills returned was very large, and if these had been allowed to take the ordinary course the number of veto messages would have been enormous.

The only bills vetoed by Governor Roosevelt while the Legislature was in session were ten-day bills in which the member introducing had failed, either by reason of sickness or other absence, to have the bills returned before the ten days after their passage had expired. With the thirty-day bills it was very different. The Legislature having adjourned there was nothing for the Governor to do but to sign them or leave them unsigned, and those left unsigned were usually embraced in what is known as an omnibus veto. Individual vetoes were made upon some of these, but in a large majority of instances they were classed under one head and signed at the end of the list. Of these latter, 117 were vetoed in 1899 and 148 in 1900.

For many years a special bureau has existed in the Executive Department which has the supervision of the

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business relating to pardons and commutations. This bureau is presided over by the "pardon clerk." The great number of applications for clemency effectually precludes a thorough examination of each case by the Governor himself. When Governor Roosevelt assumed office, there were over 700 such applications in the pardon bureau. These, of course, were separately examined by the pardon clerk, and a digest made of the matters which pertained to the inquiry at hand. In order that the labor of passing upon these might be systematized as much as possible, Governor Roosevelt set apart one afternoon of each week for an examination of the papers presented to him. Of course, very many of the applications were absolutely without merit, the papers showing upon their face that they were not cases for Executive clemency, and such were disposed of quickly upon the recommendation of the head of the bureau. In other cases a brief was made as to the facts and the law. Such of these briefs as recommended a pardon or commutation the Governor examined with care, and unless there were some circumstances in the case which called for extraordinary consideration he would grant the relief without making personal examination of all the papers in the case. If, however, the pardon clerk, in his brief, recommended no action or failed to express any opinion, the Governor would in many, and indeed in most, instances look carefully over all papers. He had little fear of being too lenient, but he had much anxiety lest some person who deserved a pardon should through his neglect

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on to see me. He requested that if any order was made I should let him be the one to execute.

At one time the so-called reformed movement was presented to the Governor for examination. The case of Mr. Baldwin I think is interesting to give a detailed statement of the case. On June 2nd in an article in the Times Baldwin had been sentenced for life and had already spent twenty-one years and nine months in prison when a full thorough examination of the prison inmates showed that it was almost physically impossible for him to have committed the crime. The Governor accordingly paroleded him. The order directing the release of the prisoner was dated December 30, 1898, and as soon as this order was signed the Governor was so busy "instructions" "The order must be served upon the warden without a moment's delay," said he. "Let us do it the New Year shall be the release of this man who for so many years has been imprisoned for a crime which it is more than doubtful that he committed. He must be released at once." Among hundreds of rulers who visited the Executive Chamber on January 1, 1901, and shook the Governor's hand, none was so grateful as John C. Baldwin, who came from his prison in the Capital to express his gratitude. It was truly a touching occasion.

The foregoing pages is as brief a summary of Governor Roosevelt's administration as can be made under the circumstances, surrounding his induction into and progress through the Executive Offices. The pages

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already written are those which have appeared the more important. Nothing has been said in detail as to the reorganization of the National Guard; nothing in detail of the examination of the great mass of local bills, or the general acts relating to labor; of the work done in connection with the Attorney General's office; in relation to the land grants and multitude of claims against the State; nothing of the intensely interesting and instructive cabinet meetings; nothing of the financial system which at the end of his term of office left the monetary affairs of the State in a most satisfactory condition. These and many other topics might have been mentioned, but to elaborate upon all would be to extend the limits beyond reasonable bounds.

Governor Roosevelt, in common with all other Governors, although probably to a much greater extent, attended prominent social functions; dinners at the invitation of mercantile bodies, and reviews of regiments of the National Guard. His everyday life was in itself a round of laborious activity. Many incidents occurred, some touching, which if enumerated would fill a volume.

Since the days of the Civil War, the "shattered remnant" of the Hawkins Zouaves, although included in a part of the Grand Army of the Republic, had retained their regimental organization intact. The scarred and torn battle flags had been held as household penates in their headquarters, and as they met around their "camp fires" those silent comrades of camp and battle of advance and retreat, of defeat and victory, looked down upon them

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as reminders of the heroic struggle in which they bore so conspicuous and important a part. One by one, the members of the organization had responded to the summons of "lights out" and had "crossed the Potomac" of their life work. At last, depleted numbers warned the members that the time would soon arrive when there would be none left to care for their battle flags. They accordingly arranged to deposit them in the Capitol Museum, where so many other regimental organizations had already deposited their trophies. On a day previously arranged, the veterans, numbering about thirty, came to Albany and preceded by a band marched up to the Capitol and into the Executive Chamber, where the Governor was waiting by appointment to receive them. After the first salutations, several of the old flags were unfurled, and in voices not the less feeling because husky and accompanied by their band, the old heroes of a dozen battle fields sang "Nearer, My God, to Thee." The ranking officer then said : "Governor Roosevelt, we come to part for the last time with our old friends, our comrades, with whom we have fought in life but whom we cannot take with us in death. We leave them in your hands, to the care of the State." The Governor received the standards with a brief but appropriate address. The flags were furled and handed to a representative of the Adjutant General, and as they passed from the door, each of the veterans, many with tears streaming down their faces, stepped up to the flags and reverently kissing them passed out of sight. The flags were then securely

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wrapped in an oil-cloth cover and deposited in the museum. Several ladies, as well as the entire Executive force, were present at this ceremony, and when the door had closed upon the scene there was not a person in the room who had not dropped a tear at the touching and pathetic incident.

Governor Roosevelt was kindly and gentle in his relations with his subordinates. Although exacting in the observance of duty, he never asked another to do more than he was willing to do himself. With all of the onerous duties which were placed upon him, the Governor was the personification of cheerfulness. His hearty laugh dispelled the somberness of his surroundings, and while there was no lack of dignity, there was at the same time no depression of spirits. He possessed a remarkable memory, and could call for any letter which he had read through the files. He never would forget to thank anyone who did him service. His orders were always requests. His opinion, once formed, he held tenaciously, but in important matters he was slow in arriving at conclusions. In speech he was superlative; in habits of thought conservative. He trusted his friends implicitly, but a trust once betrayed could not be restored.

Thoroughly democratic in his tendencies, and cosmopolitan in his manner, he in nowise forgot the habits of his training and birth, but on all occasions was a courteous gentleman. He was always frank to a degree, both with his subordinates and associates in the State government and Legislature, and he will always be remembered with affection by those with whom he was brought in most intimate contact.





BENJAMIN

13

**BENJAMIN B. ODELL, JR.**

**Born in Newburg, N. Y., January 14, 1854; educated  
Bethany College and Columbia College; active in politics  
from early voting years; member of Congress 1895-8;  
Governor 1901-4.**

BORN JULY 18TH 1861  
DIED APRIL 18TH 1940  
BAPTIZED CHRISTIAN NAME CLEMENTINE GENEVIEVE  
BORN IN THE STATE OF NEW YORK, MARCH 18, 1861.  
DIED APRIL 18, 1940, IN THE STATE OF NEW YORK.

B. N. Dunc  
et f

## CHAPTER VIII

### ADMINISTRATION OF BENJAMIN B. ODELL, JR.

By EDGAR L. MURLIN

BENJAMIN B. ODELL, Jr., the thirty-seventh Governor of the State of New York, was nearly forty-seven years of age when he took his oath of office on January 1, 1901. While he was administering the State's affairs in 1901-4 its people were to witness a decision at the polls to expend \$101,000,000 in canal improvements. They were also to see an expansion of the receipts from indirect taxes to such an extent, by the imposition of additional taxes of this description and increase of the receipts of existing indirect taxes, as to put an end substantially to direct State taxation.

In his inaugural address, the word "Economy" was used by him in declaring that the business affairs of New York State should be transacted "with economy and good judgment." He later, in the same speech, added: "The burdens of taxation should be so adjusted as to fall lightly upon those who can ill afford to bear them and be borne more generously by those who have received from the State protection and rights which have been giving to their vast business interests the success they deserve."

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Mr. Odell lost no time in disclosing further his policy of an economical use of the State's money and the imposition of additional taxes upon corporations for the relief of the tax burdens of owners of real estate. In his first annual message he called attention to instance after instance where economy might be exercised. He had begun economy in the Executive Department itself by dispensing with the usual "Counsel to the Governor," an official with a salary of \$5,000 yearly, and having the legal work of his department executed by the Attorney General, the head of the State's official legal department. In his annual message, Mr. Odell called attention to the fact that more than ten per cent. of the \$11,765,211.08 collected by the collateral inheritance tax law from 1897 to 1900 had been used "for administrative purposes." That is, of the amount collected there had been expended, including \$159,351.96 in refunds, \$1,408,643.50 for collection. County treasurers had also for a nominal service received \$276,207.16. Moreover, the appraisement of the property had cost in addition \$390,906.80, or about three per cent. of the total amount collected. Lastly, the legal expenses, others than those named, had been large. One-half of the sum expended should have been ample for the collection of the inheritance tax, and that of itself would have effected an average saving during the four years considered of at least \$150,000 per year. Mr. Odell therefore recommended that in all counties where there were then official appraisers the collection of the inheritance taxes should be transferred to the State

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Comptroller, and that in all other counties the County Treasurer should be made the official appraiser for such counties, with no additional fees for such a service. He also pointed out that, with no definite limitation of the number of legislative employees, extravagance and abuses were apt to result and recommended that the law should be amended so as to fix the number and compensation of additional employees. Further, that the State Comptroller's report showed a vast increase in the expenditures for clerical and other help in the State departments. No doubt a thorough "pruning" could be effected if the Legislature would investigate and report promptly its findings, and he asked for such action. Then all items of expenditure in the appropriation bills should be made more in detail, so as to give fuller effect to the veto power of the Executive against unnecessary expenditures, without disapproval of many of the gross appropriations. He also glanced at the special attorney system and said that there were perhaps instances where the services of special attorneys might be justified, but in most cases the work performed by them should be left to the legal department of the State.

One of the methods adopted immediately by the Governor, with the co-operation of the Legislature, to reduce the State's expenses was to consolidate commissions. In his first annual message he recommended a consolidation of the Board of Mediation and Arbitration, which received an annual appropriation of \$17,800 for salaries and office expenses; of the Bureau of Labor

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Statistics, with annual outgoes of \$32,942, and of the State Factory Inspector's department, with annual expenditures of \$121,551; or a total expenditure yearly by the three departments of \$172,293. A Department of Labor was created, with a deputy in charge of each of the three branches heretofore conducted separately. Before the act was signed Mr. Odell estimated that such a consolidation of the three bureaus would save the taxpayers at least \$72,000 yearly. He also expressed the opinion in his first annual message that the duties of the Commission of Prisons might well be conferred upon one Commissioner who, together with such State officers as might be designated, could continue the work of the then Board of Prison Commissioners. If this step should be taken, he expressed the belief that the cost of the Commission could be reduced at least \$10,000 per year. His advice was followed, an act being passed which abolished the existing State Commission of Prisons and created a board of three members, only one of whom was to receive a yearly salary and that the modest sum of \$2,500.

Another department, whose reorganization so as to reduce its expenditures was suggested by Mr. Odell, was the State Board of Health. It then had seven members. He recommended that it should be made a single-headed department, arguing that "one competent man," by giving his time to the duties of a Commissioner of Health, might easily perform them, provided that the supervision of tuberculosis and glanders in cattle was transferred to the Department of Agriculture, where it

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properly belonged. Thus the large office force, which in the previous year had involved the State in an expenditure of \$42,200, could be somewhat curtailed and the amount expended "could be largely reduced." Mr. Odell's advice was followed by the Legislature the same year, and since 1901 therefore there has been a "Commissioner of Health" only, at the head of the State Department of Health.

Mr. Odell next called attention to the fact that there were two boards charged with the preservation of the forests — one with the purchase of lands and the other with their care, and that the latter body also was entrusted with the protection of the fish and game interests and the shell fish culture along the coasts. The two boards, he said, "must necessarily duplicate each other's work to a considerable degree," and therefore their consolidation would "result in a large saving." He concluded his consideration of the subject by saying: "The saving of expenses which would undoubtedly follow consolidation, amounting probably to \$35,000, is certainly enough to warrant careful consideration upon the part of the Legislature, and such legislation as will lead to this result is recommended."

Mr. Odell's advice was here again followed by the Legislature and an act was passed consolidating the Forest, Fish and Game Commission with the Forest Preserve Board into one department, headed by an official to be known as "Forest, Fish and Game Commissioner," with two associate Commissioners, whose

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terms should expire on December 31, 1902. After December 31, 1902, the department should solely be conducted by the Forest, Fish and Game Commissioner.

Mr. Odell, as another feature of his first annual message, remarked that "other great items of expense which have been growing steadily are the expenses of the Judiciary and of State printing." In relation to judicial expenses, he especially called attention to those which had grown up under the special jury law passed in 1896 for the city of New York. The Legislature, later in the year 1901, passed the act suggested by Mr. Odell, abolishing the special Commissioner of Jurors of New York County.

The Governor had this special reference to the cost of the State printing in his annual message for 1901: "Another great increase in expenses has been in the item of printing, which in 1880 amounted to \$108,435.88 and last year (1900) to \$583,191.47, or five times as much." Mr. Odell, two months later in a special message addressed to the Legislature of 1901, again referred to the subject, giving tabulated statements showing that the Legislative printing had increased from \$46,516.34 in 1880 to \$394,872.61 in 1900. In addition to this, he pointed out that the department printing for the years 1896, 1897, 1898, 1899 and 1900 had cost during the period of 1896-1900, \$340,989.61.

Mr. Odell said that under the existing law the board charged with the duty of awarding the contract for printing was deprived of discretionary power in making the

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award, and by a system of unbalanced bidding which had resulted the growth of this expense had been "something phenomenal." If nothing else was done, he continued, "the existing law should be amended, giving a greater discretionary power to the board charged with the duty of letting the contract, and such contract should be limited to one year, so that should any defects creep in as have been discovered in the present contract they could be remedied at the next session of the Legislature." After a further consideration of the subject he added: "I am confident that if proper legislation should be enacted at this session of the Legislature governing the letting of the next contract, the result would be a saving of at least \$60,000 or \$70,000 per year. There is certainly nothing in the way of service to the State that will commend itself more strongly to the taxpayers than a remedy in this direction." The Legislature heeded this recommendation, and upon April 23, 1901, an act was signed in relation to the State printing, drawn with the design of decreasing its cost and generally guarding the interests of the State when printing contracts were to be drawn up and awarded.

While Mr. Odell was thus in 1901 making an earnest effort to reduce the expenses of the State in another direction, he was with equal earnestness attempting to increase its income from the indirect taxes. His ultimate aim was to so increase the State's receipts from indirect taxes as to make it unnecessary longer to impose direct State taxation.

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Mr. Odell favored exempting mortgages from taxation if his suggestions in regard to taxing trust companies, insurance companies and savings banks to the extent he mentioned should meet with the approval of the Legislature. He added on this subject:

"The inequalities resulting from the taxation of mortgages are very great, the burden being borne principally by estate and trust funds, nearly all other mortgages escaping taxation. If the suggestions before outlined should meet with favor, I should recommend exempting mortgages entirely from taxation, in the belief that their taxation should be left to the operation of the transfer tax law, the present unfair discrimination being thereby corrected and a lower rate secured to borrowers."

Shortly after making these recommendations, in 1901, in respect to increasing the taxation of trust companies and insurance companies and imposing a tax on the surplus of savings banks, Mr. Odell sent for an official of the Comptroller's Department thoroughly acquainted with the corporation tax laws of the State and requested him to draw up bills to carry out his design. This official drew up the bills and they were then submitted by the Governor to Senator Frank W. Higgins, then chairman of the Senate Committee on Finance; Senator Hobart W. Krum, chairman of the Senate Committee on Taxation and Retrenchment, and to Senators Nevada N. Stranahan, Lester H. Humphrey and Timothy E. Ellsworth, who were members of the Senate Finance Committee. In company with Mr. Odell, these members of the Legislature considered carefully each one of the bills and finally after long

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consideration adopted them in a final form. In advance of the passage of the bills by the Legislature, Mr. Odell gave a hearing upon them in the Executive Chamber. Earnest opposition was made to them, but Mr. Odell at the conclusion of the hearing said he had not yet been convinced that money placed in a savings bank, trust company or insurance company should be exempt from taxation while if invested in land it was rightly taxed, and that therefore he should sign the bills if they were passed by the Legislature. The bills passed the Legislature and were duly signed by Mr. Odell. The bill taxing trust companies imposed a tax of one per cent. on their capital stock, surplus and undivided profits. The bill taxing savings banks imposed a tax "equal to one per cent. on the par value of the surplus" of each savings bank. Concerning insurance companies, the new taxation law said that every domestic insurance corporation, incorporated, organized or formed under, by, or pursuant to a general or special law, and every insurance corporation, incorporated, organized or formed under, by, or pursuant to the laws of any other State of the United States, and doing business in New York State, except a corporation doing a fire insurance business or a marine insurance business, should pay an annual tax "for the privilege of exercising corporate franchises or for carrying on business in their corporate or organized capacity within this State equal to one per centum on the gross amount of premiums received during the preceding calendar year for business done in this State, whether

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such premiums were in the form of money, notes, credits, or any other substitute for money."

The operation of the insurance taxation law was postponed until October 1, 1901, but the laws taxing the surplus of savings banks and trust companies went into effect at once and the receipts from them were indicated clearly in the total amount credited to the corporation tax receipts for the fiscal year ending September 30, 1901. There was collected from the savings banks and trust companies the large sum of \$2,104,132.42. The previous year 5,760 corporations paid \$2,624,508.05 into the State treasury. This year (1901) the total amount of the payments of 6,173 corporations was \$4,966,680.93, in which, as has been already stated, was included \$2,104,132.42 received from the savings banks and trust companies. In 1902, when the insurance companies began making payments under the taxation law taxing them, the total amount received rose to \$6,226,-183.18. For the fiscal year ending September 30, 1910, the receipts of the corporation taxes amounted to \$9,123,738.60.

In 1903, Mr. Odell signed a bill increasing the liquor tax fifty per cent. Liquor stores in New York County were compelled to pay \$1,200 instead of \$800, and a corresponding increase was made in the other cities and villages where liquor dealers paid a lesser tax. One-half of the revenues resulting from the taxes was to be paid into the State treasury; previously only one-third

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of the revenue resulting from the tax was thus paid. The increase of revenue was immediately observable:

	<b>NET RECEIPTS</b>
Year ending April 30, 1903, number of liquor tax certificates issued 27,507 . . . . .	\$12,533,083.25
Year ending April 30, 1904, number of liquor tax certificates issued 26,187 . . . . .	17,720,688.62

Mr. Odell, in March, 1901, brought to the attention of the Legislature one of the greatest projects which was to be submitted to it — involving the construction of great canals from Lake Erie to the Hudson River, from Oswego to the line of the Erie Canal, and from Albany northward to Lake Champlain.\*

The Governor, in the summer of 1901, made a tour of the State in company with Senator Frank W. Higgins, chairman of the Senate Finance Committee, and other prominent members of the Senate and Assembly, inspecting the charitable asylums, hospitals for the insane and correctional institutions of the State, with the aim of learning at first hand the worth of the expenditures made upon them yearly by the State's taxpayers and whether any money was ill-spent in any direction in their administration or upon buildings. As a result of this inspection of the institutions referred to, the Legislature of 1902 passed an act abolishing the boards of managers of the State hospitals for the insane and conferred their powers and duties upon the State Commission in Lunacy "unless otherwise provided by

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\*See History of Barge Canal, Vol. II.

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law." The Governor was authorized to appoint a board of visitation of five members for each hospital, the terms of the first members to be one, two, three, four and five years respectively, and thereafter five years each. The boards of visitation, it was provided, should visit each hospital monthly and make a report to the Governor each month regarding the condition of the hospital visited and of its inmates.

Mr. Odell, in his annual message for 1902, also considered at length the administration of the State's charitable institutions and suggested that the State Board of Charities be charged with the care and administration of the State's charitable institutions, and that visiting committees, as suggested in relation to the hospitals for the insane, be appointed annually; that they be empowered to visit and report to the Governor as to the conditions found; that the existing boards of managers of the charitable institutions be abolished and the State Board of Charities be permitted to recommend, subject to the approval of the Governor, a superintendent, either from their own number or otherwise, with a salary of \$5,000 annually, who should have full authority, under such regulations as might be adopted by them, subject to Executive approval, over all charitable institutions. "If these suggestions are adopted," said Mr. Odell, "a saving will be effected of at least \$750,000 in the appropriations for the insane and charitable asylums."

Mr. Odell's plans for supervision of the financial affairs of the State charitable institutions were finally

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carried out by the passage of an act creating an officer known as "Fiscal Supervisor of State Charities."

In his annual message to the Legislature in 1902, Mr. Odell said the new revenues derived from indirect taxation would probably make the gross income for that fiscal year from corporations, banks and insurance companies \$6,100,000, as compared with \$2,981,286.66 for the preceding fiscal year. There was a surplus in the State treasury of \$8,200,000. Of this \$4,200,000 could be used for the abolition of direct State taxation. The only direct State taxation therefore would be 13-100 of a mill provided for by the Constitution for the sinking fund and interest on the canal debt, which would produce on the equalized valuation of the property of the State, \$739,299.81. The tax rate for the fiscal year when Mr. Odell assumed office, January 1, 1901, which was imposed by the Legislature of 1900, was 1.96 mills, which yielded \$10,704,153.39. In 1901 the tax rate imposed was 1 20-100 mills, which raised \$6,824,306.01. In 1902, a direct State tax of only 13-100 of a mill was imposed, as expected by Mr. Odell, and it raised \$748,072.05. The direct State taxes imposed while Mr. Odell was Governor were as follows: 1901, \$6,824,306.01; 1902, \$748,072.05; 1903, \$761,085.02; 1904, \$968,041.90. The rate of taxation in 1904 was the same as in 1902 and 1903, but owing to a large increase in the aggregate equalized valuation of the property of the State, the State tax rate, 13-100 of a mill, produced a larger amount.

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Mr. Odell, in his first annual message, said that the previous year \$150,000 had been appropriated for good roads. Twenty-three roads were under construction at a total cost of \$377,594, one-half of which was to be borne by the State. Surveys had already been made which if adopted would call for an appropriation by the State of \$1,222,000. It would be inexpedient for the Legislature to appropriate this sum in any one year, but it was evident if the building of roads was to continue a much larger appropriation would be necessary that year (1901). An amendment to the law which would provide that the State should pay the entire expense of construction by the issuance of bonds, levying upon the counties their proportion for the benefits received, would expedite and reduce the cost and extend the time for payment over a longer period and at a lower rate of interest. A systematic plan should be adopted, however, for the building of roads, so that all parts of the State should be equally benefited.

In his annual message to the Legislature of 1902, Mr. Odell said the building of good roads had continued during the previous year. The general interest which had been aroused would render it necessary to continue liberal appropriations for this purpose. It was to be hoped that the time would come when all these roads which the State was aiding in constructing would be united in common highways from one part of the Commonwealth to another. It seemed, however, that sufficient provision had not been made for the repair and

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oversight of these roads. Mr. Odell recommended that the law which provided for the building of the roads be so amended as to give to the State Engineer supervision, not only during their construction but for all time, over all roads in which the State had so large an interest.

In his annual message for 1903, Mr. Odell said that the building of good roads had continued the previous year with good results. So great was the demand for State aid that it would soon become necessary to have recourse to bond issues to meet these increasing obligations. If, therefore, any extension of time for the payment of bonds was authorized for canal improvement, it should be made applicable for this purpose also.

Mr. Odell, in his annual message to the Legislature of 1904, depicted the growth of State roads, informing the Senators and Assemblymen that 484 miles of road had been improved by State aid since the enactment of the road improvement policy in 1898. The counties had already contributed their half of the expense for building 619 miles of roads, for which plans were ready. Petitions had been presented for the construction of 3,250 miles. The total mileage of roads in the State was 74,097. In order to form a perfect system of highways through the State it was estimated that the improvement of not more than ten per cent. of the total mileage would be necessary. In other words, in order to secure a system of good roads throughout the State the total ultimate mileage would be about 7,500 miles. The counties had provided for their half of the expense for 1,103

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miles of improved roads, while the State had contributed its proportion for only 484 miles. It was estimated that \$2,801,000 would be required from the State to complete this 1,103 miles. While Mr. Odell said, it had taken a number of years for this system of road improvement to grow into popular favor, it could be seen that probably within the next six or eight years all necessary roads would be under construction or would have been completed, provided funds were available, which would give a perfect system of highways throughout all portions of the State. This, with the State's contributions for the repair of roads in counties which had adopted the money system, ought to give New York "a magnificent system of highways." Some changes, he said, were necessary in the good roads laws in order to protect and repair these roadways; these necessities could be met by amendment of the existing statute. While it was not contemplated that the repairs to these roads should be the State's duty, except insofar as provided under the so-called Plank law, yet there should be supervision by the State in order to insure the maintenance of these improved roads. "With this end in view," said Mr. Odell in his message, "it might be proper to provide for State supervision over State roads by giving to the State Engineer and Surveyor such jurisdiction as will always secure uniform plans for repairs in all counties of the State."

Mr. Odell, in acting upon the State tax rate bill in 1908, initiated a custom of reviewing the action of the Legislature and of himself upon appropriation acts, summing up the final result.

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In his annual message to the Legislature of 1901, the Governor called attention to the fact that the Ramapo Water Company, under Chapter 985 of the Laws of 1895, as amended, was given the power of condemnation for the purpose of securing to it the water and lands necessary for its purposes. He added:

"During the year 1899 an attempt was made to enter into a contract with this Company by the Municipal Board, which was empowered to make such contracts. This proposition, when presented to the citizens of New York, was severely criticised by them, and the question of continued municipal ownership of their water supply was thus brought to their attention. The Legislature of 1900 enacted a law which made the consummation of such a contract impossible without the unanimous consent of those empowered to make such a contract. The ownership of water rights sufficient to provide the city of New York with an ample supply of pure and wholesome water should be entirely under the control and direction of that municipality. By what now seems to be an unfortunate omission in the original charter of the city of New York, the city is not given the same rights that are afforded other municipalities for securing an additional water supply. It should therefore be your first aim to correct and repeal such provisions of the law as interfere with the free and full exercise of such powers by the city of New York and then to place it upon an equality with the other cities of the State. I ask the speedy enactment of such laws and the repeal of all conflicting laws. In this legislation due regard should be given all rights involved, reserving the preference, however, for the city wherever there shall be a conflict between the rights now possessed by private corporations and those desired by the municipality."

The Legislature adopted this recommendation in Chapter 985 of the Laws of 1895.

Mr. Odell vetoed three bills of great importance while Governor. One was a bill, vetoed in 1901, which he declared proposed "through general legislation to

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confer upon the New York & New Jersey Bridge Company certain rights within the city of New York for the construction of elevated railroad structures upon West Street as approaches or appurtenances of the bridge itself." The West Street referred to was West Street, New York City; a street running along the Hudson River on the west side of Manhattan Island.

In 1902, Mr. Odell vetoed two bills relating to the Park Avenue tunnel, New York City. As he explained: "These two bills are the outgrowth of a desire to render passenger traffic safe upon the New York Central, the New York, New Haven & Hartford, and the Harlem railways."

In 1904 Mr. Odell vetoed the bill authorizing the East River Gas Company of Long Island City to lay pipes in that portion of the borough of Queens included in the former city of Long Island City.

Mr. Odell, in the course of his four-years' term as Governor, removed from office Silas W. Burt, civil service commissioner; Samuel Caldwell, sheriff of Erie county, and Charles Guden, sheriff of Kings county, giving in each case his reasons therefor.

It is to be noted that this article has been confined largely to a consideration of the financial features of Governor Odell's administration. They are, indeed, his highest claim upon the gratitude and esteem of the people. He was throughout the watch-dog of the treasury, and to him are due the lowering of the burdens of taxation, the elimination of unnecessary or ill-considered

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**appropriations and a scrupulous regard for the economies,  
without diminishing the usefulness of all the departments  
of government.**





# F. W. Higgins

Frank W.  
Higgins  
1856-1907

## FRANK W. HIGGINS

was born in Rushford, Allegany county, N. Y., August 18, 1856; merchant, c/Michigan, 1875 to 1879; Olean, N. Y., 1879; State Senator 1893; Lieutenant Governor 1903-4; Governor 1905-6; died Feb. 12, 1907.

of Erie County,

Fenton,

of Erie Co.

Governor

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and popular

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## CHAPTER IX

# ADMINISTRATION OF FRANK W. HIGGINS

By FRANK E. PERLEY

*Secretary to Gov. Higgins*

**F**RANK WAYLAND HIGGINS, Governor of New York during the years 1905 and 1906, was the thirty-fifth Chief Executive of his State. He was the only Governor ever chosen from Cattaraugus, his home county, and one of but four called to that high office from the western section of the State. John Young, of Livingston, was elected Governor in 1846; Reuben E. Fenton, of Chautauqua, in 1864, and Grover Cleveland, of Erie, in 1882.

Governor Higgins entered upon his executive duties peculiarly well equipped for the important work before him. He had been conservative, far-sighted and successful in business, and to these qualifications there had been added the experience of nine years as a State Senator and of two years as Lieutenant Governor. Throughout his career in the Senate Mr. Higgins had been a member of the all-important Committee on Finance, and from 1896 until his election as Lieutenant Governor, covering a period of seven years, he had served as chairman of that committee.

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To those familiar with the subject it is well known that the chairman of the Committee on Finance exerts a most potential influence upon the administration of State affairs. Every expenditure for State purposes, all nominations to office made by the Governor, and all plans for permanent public improvements or for the extension of existing departments, institutions or public works, before taking effect must be submitted to and approved by this powerful committee. Patient and painstaking by nature, Mr. Higgins had, during his nine years' service on this committee, personally familiarized himself with every phase of the State's business. It was conceded that he had no superior, if indeed he had an equal, in mastery of the details of State affairs.

The times seemed to call for a man of this training. With the population of the State increasing rapidly and its social and financial interests expanding to an unprecedented degree, grave problems were pressing for solution. Within recent years the vast cost and responsibility of caring for the indigent insane had been assumed by the State; a policy of much greater liberality toward the public schools had been adopted, while the management and equipment of the prisons, reformatories and other institutions had been placed upon a broader basis. With these meritorious changes in the State's policy there came an increase of millions of dollars in the annual cost of the State government. The State's affairs were being placed on a business basis by business men, and the feeling was widespread that nowhere in the

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Commonwealth was there a man of business training better equipped than Governor Higgins to assume the burden of this important work.

When Mr. Higgins was elected Governor there was fast gathering a storm of protest against existing political conditions. In Washington, President Roosevelt had become the leader of a very large element which demanded new men and new methods in public affairs. This sentiment had extended. Party leaders of long standing found their power threatened, and in public addresses and through the newspapers and magazines there was a demand for less manipulation by politicians and greater participation by the people as a whole in public affairs. It was but natural, perhaps, that in the Empire State, first of all the States in population, wealth and enlightenment, this sentiment should take concrete form. Long before his nomination for Governor, and while he was yet a member of the State Senate, Mr. Higgins had taken note of this development. While a strong party man, he never had failed to act independently in matters of legislation, his view being that his party best served itself and best promoted its own welfare when it supported those men and those measures demanded by enlightened public opinion. His method was to seek results by fighting within rather than outside of his party organization. Holding these views, and sincerely anxious for the welfare of his State and of his party, Mr. Higgins declared, upon being nominated for Governor, that he would, if elected, be Governor in fact as well as in name. When, later,

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he was chosen Chief Executive by a plurality of more than 80,000 votes, he regarded the result as a mandate from the people that he should be Governor in the fullest sense of the term.

Upon assuming office Governor Higgins defined his position in these words:

"In performing the duties of the Executive office, I shall freely seek the assistance and expert counsel of those who have made a study of any of the multifarious branches of governmental activity. I shall welcome the suggestions of all citizens. Ultimately, however, with God's help I shall jealously guard my prerogative of personal independence, and, whether for good or for evil, I shall assume responsibility for all my official acts."

From this position, so clearly set forth in his inaugural address, Governor Higgins never deviated. He guarded jealously the prerogatives of the Executive, and insisted with equal firmness upon the rights of the two co-ordinate branches of the State government — the Legislature and the Judiciary. This policy, followed with rare tact and with the good judgment born of long experience in State affairs, resulted in effective and progressive co-operation between the three great Constitutional branches of the State government. The administration of Governor Higgins was marked by a harmony of feeling and good will which extended into all departments and which, in the judgment of many observers, tended to the efficient and intelligent conduct of the public business. The Governor had the confidence of his department heads, and he devoted a vast amount of time, where his advice was sought, to the important details of their work.

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Governor Higgins, upon assuming office, realized that he would be confronted by problems requiring the best thought and judgment. He was determined, insofar as he could induce men of high ability and standing to co-operate with him, to call them to his aid. In this endeavor he was singularly fortunate. For Superintendent of Public Works, a responsible position, he chose an efficient man in Nicholas Van Vranken Franchot, of Olean, and for counsel to the Governor his former Senatorial associate, Cuthbert W. Pound, of Lockport, a learned lawyer, now a Justice of the Supreme Court in the Eighth Judicial District. Later on, after the appointment of Judge Pound to the Supreme Court, Dean Huffcutt, of Cornell University, succeeded him as legal adviser. Elected with Governor Higgins were M. Linn Bruce, lieutenant governor; John F. O'Brien, secretary of state; Otto Kelsey, state comptroller; Julius M. Mayer, attorney general. These officials, in harmony with the new Governor's policies, gave him an advisory board whose members were thoroughly familiar with the State departments and with the problems of the time. As opportunity arose, he attracted to the State service many others of character and ability. It is significant of the character of men chosen by Governor Higgins that, with few exceptions, these officials have been either reappointed or have been elected by direct vote of the people to continue in the positions for which they were named originally by him.

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Governor Higgins demonstrated, in his first annual message to the Legislature, his comprehensive grasp of state affairs. After reviewing the financial condition of the Commonwealth, he directed the attention of the law-making body to tax legislation, the taking of the State census, the condition of the insane and charitable institutions, election reforms, canals, good roads, banks, insurance, excise, education, child labor, agriculture, prisons, public buildings, the civil service, public health, fish, game and forests, the tenement-house law, the preservation of places of scenic and historic interest and to other objects.

His first concern as Governor was to keep the State's income equal to the expenditures. The total receipts of the State Treasury from all sources for the year ending September 30, 1904, were \$25,548,962.98 and the total payments \$25,900,796.73, showing an excess of payments over receipts for the year amounting to \$351,833.75. The actual available surplus on October 1, 1904, was \$8,762,236.62. The total appropriations in force October 1, 1904, amounted to \$26,735,457.70, which was \$2,319,228.07 more than the income applicable to the payment of appropriations.

Devoting much thought to the best methods for meeting this situation, the Governor, after conference with the legislative leaders and others, decided to favor the enactment of a law taxing the transfer of stocks and of a law taxing mortgages as a class. There was powerful opposition to each of these measures, and the threat

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was made that, if the law to tax transfers of stock should be enacted, it would drive the New York Stock Exchange out of existence and cause widespread harm in the financial centers of the State. Himself a man of large financial experience and interests, Governor Higgins did not share these forebodings of disaster. In approving the measure, on April 19th, 1905, he declared:

“ It has been argued, with much force and a great deal of truth, that the business of dealing in corporate shares is necessary and useful. It has been asserted that even as small a tax as that imposed by this act must either suppress the business almost entirely or drive it out of the State. Experience with taxes of this sort on the continent of Europe does not seem to indicate that the business of stockbrokers has been suppressed or even seriously checked by them.

“ A State tax of this kind is undoubtedly to some degree experimental in its character. If its results are those which we have every reason to expect, it will produce a substantial revenue for the State without seriously burdening the business interests.”

In operation, the new statute vindicated the Governor's judgment. Its enactment was followed by none of the dire disaster which its opponents had predicted; the purchase and sale of stocks had not been affected by this, and there had been no serious effort to bring about a repeal of the statute. As a revenue-raiser the new law was a success from the beginning. From June 1, 1905, to the end of Governor Higgins' term, a period of nineteen months, the State's revenues from this source amounted to \$9,624,476.82, and the receipts under this law now average more than \$5,200,000 a year.

The law taxing mortgages as a class also was bitterly opposed, an organization with branches in every county

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in the State having been formed to defeat its passage. Governor Higgins, convinced that this class of personal property was escaping taxation to a scandalous extent, while in other cases an unequal burden was imposed, took a firm stand in favor of reforming this situation. In the closing days of the session of 1905 the Legislature passed a measure levying, in lieu of the existing general property tax, an annual tax of one-half of one per cent. on all mortgages recorded in New York State after July 1, 1905, excepting mortgages given for public, charitable, religious or educational purposes, or for less than \$3,000 by members of local building, loan and savings associations. Mortgages recorded under this law were exempted from all other taxation, and it was provided that the revenue should be divided equally between the State and its local sub-divisions.

Governor Higgins, in approving the measure, declared the tax imposed by the new law to be "moderate in amount and uniform in operation," adding that "the tax law which this bill supersedes, so far as it affects mortgages, is unequal, partial and unjust." The Governor continued:

"It has been urged upon me that the approval of this measure will result in disaster to the Republican party. I have avoided the consideration of this measure from a party standpoint. It is a business proposition rather than a political problem. The Republican party is the party of initiative and not the party of opposition. Its disaster has often been predicted, but it has survived the consequences of its policies on legislation. I shall not be deterred from approving a salutary bill because of its possible effects on the  
I cannot believe that any measure which equalizes the

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burdens of taxation can prove politically disastrous. It seems to me more disastrous to party interests to allow the present uneven and unfair taxation of wealth, represented by mortgages, to continue than to put a stop to the exemptions and evasions which the present law permits."

The opponents of this measure were not content to abandon the field after this first defeat. They continued their campaign through the year, taking an active interest in the Assembly contests in numerous districts and returning to Albany for the session of 1906 determined to have the mortgage tax law repealed. They finally succeeded in passing in both branches of the Legislature of 1906 an amendment substituting for the annual tax of one-half of one per cent. a single tax of the same amount to be paid upon the recording of each mortgage. Governor Higgins vetoed this measure, calling attention to the fact that although the Legislature of 1905 had passed the original act by a vote of 88 to 61 in the Assembly and 29 to 18 in the Senate, the Legislature of 1906 had, by a vote of 84 to 36 in the Assembly and 36 to 18 in the Senate, declared in favor of repealing the statute.

In this veto message, while exercising firmly his power as Chief Executive, Governor Higgins showed his understanding of and his full acquiescence in the right of the Legislature to send to him for his approval or disapproval such measures as appealed to its judgment.

The Governor's message made it clear that, while he would be willing to co-operate with the Legislature in such action as the experience of the State under the law of 1905 might warrant, he would take no backward

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step regarding the principle of taxing mortgages. The result was the passage, in the closing days of the session, of another measure substituting a single recording tax of one-half of one per cent. for a like annual tax, one-half of the proceeds going to the State and one-half to the local sub-divisions of the State.

As was the case with the law taxing transfers of stock, so with the law taxing mortgages. No serious effort to seek its repeal has been made. During the year 1906 there was received into the State treasury \$965,928.18 as the State's share of moneys collected under the mortgage tax law, while an equal amount was distributed among the tax districts in which the mortgaged property was situated. Since that time, with the law working smoothly, the State is receiving an annual income of approximately \$1,500,000 from this source, while the interested localities also receive a like amount. The cost of collection is infinitesimal.

Thus, as a result of these laws, Governor Higgins was able to increase by approximately \$6,750,000 the regular annual income of the State, to provide, for the first time since 1841, for the payment of all ordinary expenses of government without the collection of a penny by direct taxation, and to leave in the State treasury when his term ended a surplus of \$11,291,445.29.

The measures doing away with direct State taxation became laws on May 22, 1906. In giving them his approval, Governor Higgins said:

“ These bills relieve all real property from taxation for State purposes and entirely obliterate the direct State tax. The imposition

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of a direct annual tax for the payment of principal and interest of State debts for canal and highway purposes was made mandatory by the Constitution of 1894 but, by an amendment adopted last fall by popular vote, the Legislature was empowered to appropriate moneys in the State treasury to pay principal and interest on any debt, and to set apart such moneys for sinking fund purposes, provided that sufficient moneys remained in the general fund to justify that course.

"Not since the year 1841 has the State been able to raise its necessary revenues without imposing a tax on real property for State purposes. The State's revenues are now derived entirely from the liquor tax, corporation and inheritance taxes, taxes on transfers of stock and the like. The primitive form of land tax has been broken up and personal property, escaping as it does practically all direct taxation, is reached by indirect methods which work little hardship. That this result has been accomplished without curtailing the necessary expenditures of the State for schools, charities, hospitals, prisons and other desirable objects, and in the face of unusual necessary appropriations this year, reflects credit upon the financial system of the State, which is now fairly established."

For many years there had been complaints that the prices charged consumers of gas and electricity, especially in the city of New York, were excessive. When Mr. Higgins assumed office as Governor these matters received his especial consideration. Laws were enacted reducing the cost of electricity in the metropolis, but the gas companies fought, with temporary success, all efforts to reduce the price of gas.

Determined that the people should have fair treatment, Governor Higgins was able to obtain from the Legislature the appointment of a special committee to investigate thoroughly the cost of manufacturing gas in New York City. This committee had as its chairman Senator Frederick C. Stevens, of Wyoming, and as its

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other members Senators Alfred R. Page and Thomas F. Grady, and Assemblymen James K. Apgar, George B. Agnew, Edwin A. Merritt, Jr., and George M. Palmer.

The interested companies called to their aid eminent lawyers and experts, and it was apparent that the objects of the investigation would be aided if a lawyer of independence and ability should be selected to act as counsel to the committee. Numerous names were suggested, among them that of Charles E. Hughes. Governor Higgins made careful inquiry and came to the conclusion that Mr. Hughes, better perhaps than anyone else who had been mentioned, was equipped by alertness, independence and tenacity to occupy this position. As soon as the Governor had indicated his preference, Mr. Hughes was chosen counsel and the committee began its work. The investigation was conducted with great thoroughness, and all details of the gas business were inquired into. A masterful report of the investigation of the committee was prepared and it showed that gas, under conditions then existing, could be sold at eighty cents per thousand feet in Manhattan and leave to the companies a reasonable profit. A bill reducing the price from one dollar to eighty cents per thousand feet in Manhattan, and making reductions in the other boroughs of Greater New York, was introduced. After one of the bitterest struggles ever seen in the Legislature, the measure was defeated in the Senate by the narrow margin of one vote.

By no means discouraged, Governor Higgins renewed the fight for cheaper gas when the Legislative session

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of 1906 opened. The opposition was as persistent as ever, but public opinion had been aroused and favorable action was demanded. In an effort to divert the issue, an attempt was made to pass a bill making the price of gas seventy-five cents per thousand, but this subterfuge Governor Higgins declined to sanction. He pointed out that the committee's investigation indicated clearly that an eighty-cent rate would be fair and equitable and that a lower rate might enable the gas companies to raise successfully in court the plea of confiscation. The Governor's judgment prevailed, a measure establishing the eighty-cent rate was passed by the Legislature, approved by him and sustained by the Courts. While the new law was being contested some of the companies in New York City insisted on collecting for gas at the old rate, setting aside temporarily the difference of twenty cents per thousand feet. The Supreme Court of the United States upheld the statute, and more than \$10,000,000 was returned to the consumers in refunds.

In affixing his signature to the eighty-cent gas law Governor Higgins issued a statement in which he warned corporate interests of the danger of greed in dealing with the public. He declared :

"Distrust of democratic institutions prevails where the self-interest of the few is potent and the self-interest of the many is powerless; where wealth rather than manhood determines who shall enjoy the choicest privileges in the community, and where public service corporations flourish while consumers suffer. Distrust of democracy likewise prevails where wealth is constantly threatened with confiscation by unjust and unequal laws. The hope of democracy lies not

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wholly in municipal ownership where, the fair incentive of personal gain being withdrawn, public utilities may perhaps be operated in a shiftless manner and at a loss, so that taxation of property must be resorted to in order that such utilities may be enjoyed at less than cost. It lies rather in the careful restriction of companies to a fair return on the value of their investment. Confiscation, if permitted by political expediency which looks no further than the next campaign for the rule of right to govern its action, is prohibited by the Constitutions of State and Nation.

"The State has the power to make reasonable regulation of the charges for services rendered by corporations engaged in the manufacturing of and selling illuminating gas. The authorities must fix upon a price which is reasonable. The power to regulate is not a power to destroy."

For many years Governor Higgins had been interested in the idea of having a permanent State Commission to investigate complaints as to the management of and the prices charged by gas and electric companies in all parts of the State. During the session of 1905 a measure was passed by the Legislature and approved by him, creating the State Commission on Gas and Electricity. This board, in a degree the forerunner of the present Public Service Commission, was clothed with large powers. As its members the Governor appointed John C. Davies, of Oneida, formerly Attorney General of the State; ex-Judge Lucien L. Shedd, of Clinton, and James R. Sheffield, of New York. Mr. Sheffield declined, and Frederic E. Gunnison, of Kings, was appointed in his stead. The new Commission had power to investigate complaints against lighting companies in all parts of the State, to regulate prices and to compel fair treatment of patrons. It already had accomplished much work of

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value to the public when its duties were taken over by the Public Service Commission.

The problem of insuring to the growing city of New York an adequate water supply was another important subject to which Governor Higgins gave much thought. He recognized the fact that the people of the metropolis and also the people up-State had an interest in this subject which demanded careful treatment, if one section was not to be benefited at the expense of the other. The Governor recommended the passage of a measure placing in the hands of a City Commission, to be appointed by the Mayor, the work of extending the city system. At the same time he recommended :

" While the Legislature is considering the needs of the city of New York it should also consider its duty to the State and to other civil divisions of the State. Under the existing law the Commissioner of Water Supply (of New York City) is authorized to select and condemn sources of water supply throughout the State, subject only to the restriction that he shall not take from another municipality its water supply in actual use or waters which may reasonably become necessary for such supply, or interfere with the canals of the State.

" It seems entirely feasible to utilize the sources of supply with economy and with justice to all interests. But, in my judgment, this requires State supervision. A State Commission which shall examine and pass upon all plans for new sources of water supply or extensions or additions to existing supplies, and which shall be vested with power to approve or disapprove such plans, seems to be needed to protect the general welfare. The members of such Commission should have power, scientific and legal qualifications and a reasonably long and secure tenure of office. Its determinations should be subject to speedy judicial review by the Appellate Division of the Supreme Court at the instance of parties aggrieved."

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The Governor earnestly recommended early action on the part of the Legislature dealing comprehensively with the whole subject, and a measure along the lines indicated by him became a law. As members of the State Water Supply Commission he appointed former State Senator Henry H. Persons, of Erie, chairman; Dr. Ernest J. Lederle, former Commissioner of Health of New York City; Judge Charles Davis, of Ulster, Milo M. Acker, of Steuben, and John A. Sleicher, of Albany. This Board has proved one of the most useful ever created in the State, and is proceeding with its important work along the lines originally laid down and with its original personnel.

Charges having been preferred against Warren B. Hooker, of Chautauqua, a Justice of the Supreme Court, and the Legislature having adjourned without taking action upon these charges, Governor Higgins called that body in extraordinary session on June 15, 1905.

"The right of the people to an untainted Judiciary," the Governor wrote, "and the right of the accused Judge to be heard in his defense, alike imposed upon me the imperative duty of summoning you to dispose of the case."

The trial of Justice Hooker before the Assembly occupied several weeks, and resulted in his vindication. When the Legislature was ready to adjourn, on July 20, 1905, Governor Higgins set in motion what was destined to be the chief accomplishment of his administration — life insurance reform. For several months there had been bickerings in the management of some of

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the great life insurance companies in New York, and charges were made that the moneys of the policy-holders, amounting to hundreds of millions of dollars, had been improperly expended. Investigation of several of the companies by stockholders' committees had merely increased the public distrust. There followed an insistent demand, not only from the State but from all parts of the Nation, for a searching investigation which should purge the New York companies of the scandals which were believed to exist. In the press, through public addresses and in other ways the demand for a legislative investigation was voiced. On the other hand, quietly, but with all the vigor and resourcefulness at their command, vast financial interests worked against an investigation. The regular session of the Legislature had adjourned, and only the Governor had authority to indicate the matters which the Legislature might consider at the extraordinary session.

Thus, both in responsibility and in authority, Governor Higgins became the storm-center of the situation. Through letters, telegrams, telephone and personal conversations he was besieged both to bring about and to prevent a legislative inquiry of the insurance corporations. It was a debatable question in the minds of those who enjoyed the Governor's confidence as to whether or not the reasons urged for the investigation equalled in weight those urged against it. These arguments continued over several weeks, a period which found the Governor always an attentive listener and always sparing in comment as

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to his own views or plans. This attitude was misconstrued by the newspapers and the public, who assumed that the Governor was lacking in courage and that he was yielding weakly to the great interests which were opposed to an investigation.

No greater injustice ever was done a brave and sagacious Executive. For many years the life insurance interests had dominated the situation sufficiently to obtain such legislation as they desired and to defeat that to which they were opposed. Ripe in knowledge of the situation, Governor Higgins did not propose to let his administration play into the hands of the accused companies. He was convinced that the interests of the policy-holders demanded prompt and vigorous action, but he was determined that there should be no half-hearted inquiry which would result in a "white-washing" report later on. Nor did he propose, by bringing up the subject of life insurance early in the extraordinary session, to have either the friends or foes of Justice Hooker and the friends or foes of the life insurance companies form combinations for the purpose of defeating the proposed investigation.

Despite the general misapprehension which existed at the time, the fact is that Governor Higgins, from the day the extraordinary session began, had his plans all formed and was ready, on a moment's notice, for action in the interest of the policy-holders. His message to the Legislature bringing the subject before that body had been ready for many days. When day after day the

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Governor failed to place the subject within the power of the Legislature, the impression spread that he had decided against an investigation. He could not, without revealing his plans in advance, take the newspapers and the public into his confidence. Ultimately the impression became general that there would be no investigation, the Legislature concluded its consideration of the Hooker case, and committees were appointed by both Houses to notify the Governor that the Legislature had completed its work and was ready to adjourn.

That was the situation for which Governor Higgins had been waiting. The opponents of an investigation, having assumed that the Governor would not permit one, were taken completely off guard. There was consternation in many quarters, therefore, when the Governor sent to the Legislature the message which led to the appointment of the Armstrong committee and the subsequent upheaval in the life insurance world.

In his special message to the Legislature, Governor Higgins said :

"The State owes a duty to policy-holders and beneficiaries beyond that of comparing assets with liabilities and permitting the companies to justify their existence by the exhibition of a satisfactory balance sheet and the prompt payment of losses. Investments must be restricted, salaries must be limited to amounts bearing a closer relation to the commercial value of the services rendered, trustees must be held to a stricter accountability, and the policy-holders must be given a more effective share in the government of the companies.

"In order that you may be free to consider and act upon the subject at this session, I, therefore, pursuant to the Constitution, do hereby recommend for your consideration the question of the appointment

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of a joint Committee of the Senate and Assembly, with the usual powers of such committees, to investigate, after your adjournment, the operations of life insurance companies doing business in the State, for the purpose of preparing and recommending to the next regular session of the Legislature such proposed legislation as may be adequate and proper to restore public confidence and to compel life insurance companies to conduct a safe, honest and open business for the benefit of their policy-holders."

This message, coming like a bolt from the clear sky, was followed by the immediate passage of a resolution for investigation. John Raines, president pro tem. of the Senate, and S. Fred Nixon, speaker of the Assembly, after consultation with the Governor, appointed for this important Committee Senators William W. Armstrong, of Monroe, William J. Tully, of Steuben, and Daniel J. Riordan, of New York; Assemblymen James T. Rogers, of Broome, Robert Lynn Cox, of Erie, William W. Wemple, of Schenectady, Ezra P. Prentice, of New York, and James McKeown, of Kings.

As soon as the life insurance interests had recovered from their surprise, the tremendous efforts which had been made to thwart an investigation were renewed in an endeavor to control the Committee. This it was sought to do through the selection of counsel. It came to the attention of Governor Higgins that such a move was under way, and that it was likely to succeed. The Governor, feeling that his duty was plain, advised freely with the members of the Committee and insisted upon the selection of Charles E. Hughes as counsel. The able work accomplished by Mr. Hughes as counsel to the Gas

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Investigating Committee earlier in the year convinced Governor Higgins that his selection for similar work in the life insurance investigation would be ideal. As a result of the Governor's firm action, Mr. Hughes was selected as counsel, and subsequent events justified in the highest degree the course pursued by Mr. Higgins before and during the investigation. It is one of the unwritten pages of the investigation that Governor Higgins stood at all times back of the Committee and its counsel, lending his moral support to their work and giving most effective aid at many critical times when efforts were made to divert the inquiry or to protect certain men or interests as well as in tempering zeal with wisdom.

When the Legislature of 1906 assembled, the Armstrong Committee had practically completed its investigation, but its report was not yet prepared. The Governor, referring to the subject in his annual message, said :

"The problem of State regulation has become one of overshadowing importance. It calls for calm, courageous and intelligent treatment. We must aim to cure, not to kill; to preserve, not to tear down. Great companies have, in the past ten years, been heaping up riches almost beyond the dreams of avarice. They deal with amounts rivaling in magnitude the cost and indebtedness of national governments. The average policy-holder has rested content in a belief in their financial soundness and in the integrity of their managers. Self-denial, prudence, foresight, and a desire to protect the family and to provide for old age have given a ready ear to the eager and persistent solicitations of lavishly-paid agents, until the hopes and fears of our people find general expression in their life insurance investments.

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"The policy-holder now demands something better from the State than a guarantee of solvency. He has learned that his insurance will be cheaper and safer when the companies are compelled to invest their assets for his benefit exclusively, and are prevented from diverting funds to the individual undertakings of speculative directors and to the payment of vast salaries and exorbitant commissions, gratuities to men of influence and contributions for political campaign purposes. He invokes the power of the State to shield him more effectively and to curb the companies and their directors.

"The eyes of the whole world are now turned toward New York, and if this Legislature does not produce an insurance law which shall be drastic but practical, radical but sane, in a spirit which shall be courageous but not hysterical, it will fail to meet the expectations of those who have confidence in the ability of popular government to solve its own problems as they arise."

The Armstrong Committee later made its report to the Legislature, which passed a new insurance code of sweeping importance. In approving the last of these measures, Governor Higgins issued a memorandum stating among other things:

"During the extraordinary session of last July, I recommended to the consideration of the Legislature the question of the appointment of a joint Committee to investigate the operations of life insurance companies doing business in the State, for the purpose of preparing and reporting 'such proposed legislation as may be adequate and proper to restore public confidence and to compel life insurance companies to conduct a safe, honest and open business for the benefit of their policy-holders.' No other legislative investigating committee in the history of the State has been invested with greater responsibilities, has performed its duties with more intelligence and energy, has commanded in a greater degree the public confidence, or has succeeded in placing upon the statute books more valuable remedial legislation. No blot of failure or weakness mars its completed work. The legislative session of 1906 will go down in history as the year of great insurance reforms."

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The statesmanship of Governor Higgins was by no means limited to his dealings with the material affairs of the Commonwealth. His foresight in conserving the historical and the artistic interests of New York stamp him as having been an idealist in many matters which might naturally have escaped the attention of such a practical business executive. In his first message to the Legislature he outlined this broad policy:

"The preservation of historic objects or picturesque places in the State should be encouraged. The beautiful and wonderful features of natural landscape should be protected from disfigurement, and places and objects identified with the history of the State should be saved from obliteration. It does not seem necessary that the State should expend large sums of money for this purpose, but it should aid by legislation, wherever possible, the protection of natural scenery and encourage the work of those associations which are organized for the purpose of commemorating historic events and marking points of historic interest. Legislation which seeks to promote the improvement of cities and villages by the adornment of their parks and thoroughfares, and which compels the removal of the unsightly and disfiguring from public places, should be enacted."

Governor Higgins, in a special message to the Legislature soon afterward, urged the adoption of measures to safeguard the State forest preserve, calling attention to the policy of the Federal Government in respect to forest preservation and suggesting action on comprehensive lines for the protection and extension of the State's interests in the Adirondacks.

In the majestic scenery of Niagara Falls and its vicinity the Governor also displayed the interest of an

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enthusiastic admirer of Nature. Addressing the Legislature in his annual message in 1906, he said:

" More than twenty years ago the State of New York sought to redeem the Falls of Niagara from vandalism by restoring the surrounding scenery to its primeval beauty and creating a State reservation as a free pleasure ground for the people. It has spent large sums of money in the establishment and maintenance of the reservation, and many thousands of visitors enjoy its privileges yearly. This State and the Dominion of Canada have in the past been engaged in an unworthy rivalry in granting franchises of incalculable value to power development companies, permitting them to take water from the Niagara River above the Falls for commercial purposes. The privileges granted to these companies now constitute a real menace to Niagara. The State of New York cannot carry on the work of preservation effectively without the aid of an international agreement to protect the cataract and the river from spoliation. It can, however, in some degree repair the mischief already done — (1) by limiting the amount of water which may be taken from the river by the New York companies now engaged in developing power; (2) by repealing all undeveloped charters, of which several remain on our statute books, dormant if not defunct; and (3) by instituting legal proceedings for the forfeiture of the charters of any companies which may be guilty of misuse of their franchises or abuse or usurpation of powers. I earnestly desire to impress upon the Legislature a due sense of the responsibility of this State for the protection and preservation of the grandeur and beauty of Niagara Falls."

Governor Higgins' earnestness on this subject was demonstrated soon afterward, when a bill "to regulate and control and to limit the use of the waters of Niagara River" came before him for approval. Under the guise of a measure to limit the use of Niagara waters for power purposes, this measure had been passed by both branches of the Legislature without opposition and without attracting serious attention. It might have doubled the quantity

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of water which power companies could use, and the Governor promptly vetoed it.

Acting on the suggestion of Governor Higgins, the Legislature of 1906 passed several measures to preserve picturesque and historic places. One provided for the preservation of Hook Mountain, on the Hudson River. Another appropriated money for the purchase of Watkins Glen, and the third provided for the acquisition by the State of the mansion of Sir William Johnson, whose name was so prominently identified with the Colonial and Revolutionary history of the State. In approving these measures the Governor declared :

“ My prediction that it would not be necessary for the State to expend large sums of money in the preservation of places of scenic and historic interest is to this extent verified, and it is to be hoped that the State may in the future advance by legislation wherever possible the protection of natural scenery and points of historic interest through the co-operation of individuals and societies interested therein.”

Early in Governor Higgins' administration plans for celebrating the ter-centennial of the discovery of the Hudson River were formed. The Governor appointed a distinguished commission to act for the State, in co-operation with another commission designated by the Mayor of New York City. In a special message to the Legislature on February 19, 1906, Governor Higgins wrote :

“ During the past year historical societies and public-spirited citizens have been looking forward to some action on the part of the State and the city of New York for the appropriate celebration of

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the 300th anniversary of the discovery of the Hudson River by Henry Hudson in the year 1609, and of the centennial anniversary of the first use of steam in the navigation of the Hudson River by Robert Fulton in the year 1807. These two events in the history of the Hudson River are of such interest to the State of New York and to the United States that it seems fitting that a proper celebration of each should be had.

"Having in view such official action, I acceded to the request of many gentlemen interested in the plan to name a committee of distinguished citizens, with whom a committee named by the Mayor of the city of New York should co-operate to formulate plans for a celebration of the ter-centenary of the discovery of the Hudson.

"It has been suggested by this Committee, after long and careful consideration, that both events might, with propriety, be celebrated together in the year 1909, and that the union of these two observances would strengthen each and would more effectually concentrate upon the affair the attention of the world.

"The Committee now acting has no official status and is wholly an informal and unofficial body. In order to give it official standing, and to provide it with sufficient funds for preliminary expenses, I recommend to the Legislature the consideration of a bill entitled 'An act to establish the Hudson-Fulton Celebration Commission, and to prescribe the powers and duties thereof, and making an appropriation therefor,' a copy of which is herewith transmitted for your consideration."

The permanent Commissioners were named in this bill, which was passed by the Legislature and signed by Governor Higgins. Liberal appropriations were made by the State, and, under the auspices of this Commission, the successful celebration of 1909 was carried out.

It was during the administration of Governor Higgins, also, that plans for the erection at the State Capital of a great building for the Department of Education were perfected. The Governor, keenly alive to the necessity for this building, gave the project his earnest

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support, and, as chairman of the Trustees of Public Buildings, co-operated with the Commissioner of Education, Dr. Andrew S. Draper, in the consideration of a site and of plans for the structure.

Governor Higgins' independence was well illustrated in his treatment of charges against public officials. During his term formal complaints were lodged against Frank F. Hufnail, county clerk of Montgomery county; William O. Dodds, sheriff of Montgomery county; Abram Sammons, superintendent of the poor of Ulster county; Frederick D. Kilburn, state superintendent of banks; John M. McDowell, sheriff of Chemung county; Bird S. Coler, borough president of Brooklyn; Harry H. Bender, fiscal supervisor of State charities, and Wilbur T. Pool, superintendent of the poor of Niagara county. The Governor, through commissioners and otherwise, made a careful investigation of all these charges. He refused to be moved by political considerations, and upon finding them guilty summarily removed from office Dodds, Sammons and McDowell, all Republicans, and Hufnail, a Democrat, while dismissing the complaint against Coler, another Democrat. In the cases of Superintendent Kilburn and Fiscal Supervisor Bender, the Governor found the charges to be technical, and declared that the removal of these two officials would not be justified on the evidence submitted to him. The investigation of the charges against Pool was still unfinished when the Governor's term ended, but that official

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subsequently was found guilty and removed from office by Governor Hughes.

Although Governor Higgins was not acclaimed a "Veto Governor," the records show that during his first year in office he vetoed 122 separate bills sent to him by the Legislature, and that during his second year he vetoed 154 such measures. By training, an expert in legislation, he was able to detect faults in these measures or to know upon examining them the lack of necessity for their passage. In these vetoes are not included a large number of bills which were disapproved because they authorized the payment of salaries to persons appointed in violation of the civil service laws, or because they paved the way for the collection of large sums from the State or from the municipalities through private claim bills and escheat bills.

Governor Higgins' mastery of State problems was repeatedly and forcefully demonstrated in his veto messages. He appreciated keenly the rights of the various sub-divisions of the State, and he strove conscientiously to prevent these rights being taken away from the local authorities. With equal vigor he guarded against special legislation, and in his veto of the bill to permit the issuance of a liquor license to the Hotel Gotham, in New York, he took firm ground. Powerful friends of the Governor were interested in this measure, which sought to give to a splendid new Fifth Avenue hostelry privileges to which it was not entitled under the general statute because located within 200 feet of a church. Resisting both pleas and threats, Governor Higgins

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refused to make an exception in his course of action, and he vetoed the measure as being "unjustifiable special legislation."

During the administration of Governor Higgins, racetrack gambling became a subject of agitation. Presumably in the hope of allaying the criticism which was developing, a bill was proposed and passed increasing the tax on racing associations and increasing the amount of these monies to be distributed to the agricultural fair associations. This measure Governor Higgins promptly vetoed.

It was well understood during the administration of Governor Higgins that the interests of the moral uplift of the State would have his respectful consideration. The increase in divorces had been attracting especial attention. Familiar with the lofty views held by the Governor, the leaders in social betterment relied with implicit confidence upon him to check any attempts to make easier the breaking of the marriage bond. In this they were not disappointed. Early in the session of 1905 a measure came before the Governor amending the code as to cases where an action for divorce might be maintained. Governor Higgins promptly vetoed the bill, refusing to sanction what he believed would be a radical change in the policy of the State governing divorce. In his veto message he declared that in his judgment it would be a step backward for the State of New York to leave the high ground it had occupied in this important matter of domestic morals.

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Another bill, passed later in the same session of the Legislature, sought to legitimatize a child born out of wedlock, and in vetoing this measure the Governor expressed his astonishment that it had passed both Houses without debate and without opposition, and characterized the measure as "an insult to every faithful wife and to womanhood itself."

Governor Higgins' devotion to duty was illustrated in his exercise of the pardoning power. He spent much time and strength, undoubtedly shortening his life, in considering applications for pardons, commutations and for restorations to citizenship, acting regardless of possible criticism in cases where he was convinced that the cause of justice would not be injured by clemency. Several notable cases came before him for action, the most famous being that of Albert T. Patrick, who had been convicted for the murder of William M. Rice and sentenced to be electrocuted. To this case the Governor gave careful attention, and, owing to the extent to which circumstantial evidence had figured in the trial and conviction, he commuted the sentence to life imprisonment.

The administration of Governor Higgins was marked by radical changes in the management of the Republican party in the State. Benjamin B. Odell, Jr., the retiring Governor, had been the acknowledged leader of the State organization, and continued as chairman of the Republican State Committee until the State convention of 1906. The new Governor had made it clear, both during the campaign and after his election, that he would

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take orders from no one, but would pursue such a course as was in his judgment best for the people and best for the Republican party. As the new administration progressed, a large majority of the potential Republican leaders fell into the habit of consulting Governor Higgins not only as to State matters but also as to political matters. Within six months after he had taken office, but through no effort of his own, he had come to be regarded quite generally as the leader of his party in the State.

The death of S. Fred Nixon, of Chautauqua, for many years Speaker of the Assembly, created a situation in which it became necessary for Governor Higgins openly to assume the party leadership. There were several aspirants for the important position made vacant by Mr. Nixon's death, and all of the candidates were able men and good Republicans. But Governor Higgins felt that the time had come for new men and new ideals, and he decided to favor the selection of James W. Wadsworth, Jr., of Livingston, as Speaker. Mr. Wadsworth had served but one term in the Assembly, and he was not then thirty years of age. That he should be the man favored by the Governor occasioned much surprise at the time, but after Mr. Higgins had declared publicly in his favor, he was supported by a large majority of the Republican assemblymen, was elected Speaker, and has been re-elected every year since. Mr. Wadsworth's choice and the excellent record he has made as Speaker merely served to demonstrate again the shrewdness and success of the Governor in his judgment of men.

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Governor Higgins derived much satisfaction from the accomplishments of the session of 1906. Reviewing the work done, he stated:

"Economy has been manifested in the appropriations for the departments and extravagance has been carefully avoided. The Legislature has been clean, courageous, independent, intelligent and industrious.

"The most important work of the past year has been the insurance investigation and the enactment into law of the recommendations of the Armstrong Joint Legislative Committee. We now have an insurance code framed for the policy-holders and not moulded by the insurance companies. Next in importance I rate the two acts which at once do away with the annual mortgage tax and the direct State tax.

"The Legislature has been the partisan neither of labor nor of capital, but has dealt fairly with both, to the end that justice and equality might characterize its acts, rather than hatred of wealth on the one hand or disregard of the workingman's interests on the other. A law regulating the rate of wages and hours of labor of employees of municipal contractors has been made operative; employees engaged in the extra hazardous employment of railroading have been given a remedy for personal injuries where practically none existed heretofore, and the labor law and the public health law have been materially strengthened.

"In no Legislature of recent years has the absolute divorce between politics and business been more noticeable. A corrupt practice law has been enacted, corporations have been prohibited from making political contributions, and the lobbyist has been driven from the halls of legislation. The freedom of the Legislature from corporate influence working through party organization for mutual advantage has been manifest.

"An attempt to strengthen the alliance between race-track gambling and the agricultural societies has met with rebuke.

"Wholesome amendments have been made to the statutes regulating the winding-up of corporations by receivers, whereby the allowance for excessive fees to receivers and their counsel is prohibited and final settlements are expedited."

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It had been erroneously assumed in many quarters that Governor Higgins would be a candidate for renomination. He was seriously ill for months before his term ended, and intimate friends had urged him to resign his office and seek renewed health. These suggestions he refused to consider, declaring that the people had chosen him to be Governor and that it was his duty to serve out his term.

Before the Republican State convention had assembled, in September, 1906, Governor Higgins issued the following statement:

"Two years ago I began my campaign with the pledge that I would, if elected, have an administration of my own. I have kept that pledge. By doing so, I have met opposition from those who believe that Governors and legislators are safer public servants when they follow the guidance of a party boss than when they think for themselves and act on their own responsibility. I have incurred the displeasure of others who might have been friendly had I become their follower and sought the editorial sanctum for counsel and advice. But the party in its primaries has endorsed my administration throughout the State and elected delegates favorable to my renomination.

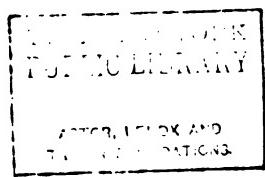
"I have long been conscious of the fact that the office has been exacting from me sacrifices that I can ill afford. I need time for rest and for attention to my personal affairs. The result of the contest in the primaries for the principle of Executive independence has given courage to all who believe that the Governor should not be the puppet of the party organization and hope to all who deplore the supremacy of irresponsible political absolutism. It also leaves me free to gratify my personal inclination with honor and to withdraw my name from further consideration. I have no fear of the result.

"I have not sought and I shall not accept a renomination."

Governor Higgins thus eliminated himself from the situation at a time when his renomination was assured,

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**and his retirement from public life at the height of his power forms one of the remarkable incidents in the political history of the State.**



**CHARLES EVANS HUGHES**

Born Glens Falls, N. Y., April 11, 1862; educated at Col-  
gate University, Brown University LL. D.; admitted to bar  
1884; practiced law in New York City 1884-91; professor  
of law in Cornell University 1891-93; Governor 1907-8;  
**re-elected 1908; resigned September, 1910, to accept appoint-  
ment on bench of United States Supreme Court.**



John C. Parker

# CHAPTER X

## ADMINISTRATION OF CHARLES E. HUGHES

By EDGAR L. MERRILL

**C**HARLES E. HUGHES was Governor of New York State from January 1, 1907, until October 5, 1910. In the interval his administration of the State's affairs had been made notable by a remarkable change in the supervision of its public utility corporations, by the creation of two Public Service Commissions with extraordinary powers, by the putting into effect of the Constitution's prohibition of race-track gambling, and by a series of remarkable appeals in favor of the adoption of a system providing for the direct nomination of State and local officers.

Mr. Hughes, when he became Governor, had been a resident of New York State since early manhood, and, indeed, except for a small period in boyhood, always a resident of the State. Born in Glens Falls in 1862, he was educated in the schools of the State, at Colgate and Brown Universities, and was graduated from the Columbia Law School. He had been a professor in the law school of Cornell University and a practicing lawyer in New York City. He had come in touch with State affairs

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engaged as counsel for a legislative committee commissioned to investigate the gas and electric companies of New York, with the result that he followed reducing the price of gas. Later he did his work of national importance as counsel for a legislative committee that in the summer of 1901 imposed upon it the duty of learning completely the details of the financial administration of the great gas companies chartered by the State and having headquarters in New York City.

Mr. Hughes assumed office as Governor on January 1, 1902. The retiring Governor, Frank W. Higgins, in a speech delivered in the Assembly Chamber directly after Mr. Hughes had taken the oath of office, said:

Upon the shoulders of the Chief Executive of this State must now rest the burdens, imposed by constitutions and customs. To make and veto the laws, to recommend wise measures of legislation, to exert the appointing power with judgment and discernment, to defend the liberties and enforce the rights of eight million people—these are duties which try the mental, moral and physical strength to the utmost. In this high office the people of the State, reposing well-deserved confidence in your independence, patriotism, ability and integrity, have called you.

I welcome you and wish you God speed."

Mr. Hughes followed with an address in which he said that he assumed the office of Governor without other ambition than to serve the people of the State. Sensible of its magnitude and of his own limitations, he undertook the task of administration without illusion. He added:

But you do not require the impossible. You have bound me to earnest and honest endeavor in the interest

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of all the people according to the best of my ability, and that obligation, with the help of God, I shall discharge." The people, he continued, had reason to congratulate themselves that coincident with their prosperity there was an emphatic assertion of popular rights and a keen resentment of public wrongs.

Evidently with the Public Service Commissions already sketched out in his mind, Mr. Hughes continued:

"It must freely be recognized that many of the evils of which we complain have their source in the law itself, in privileges carelessly granted, in opportunities for private aggrandizement at the expense of the people recklessly created, in failure to safeguard our public interests by providing means for just regulation of those enterprises which depend upon the use of public franchises. Wherever the law gives unjust advantage, wherever it fails by suitable prohibition or regulation to protect the interests of the people, wherever the power derived from the State is turned against the State, there is not only room, but urgent necessity for the assertion of the authority of the State to enforce the common right."

Mr. Hughes next alluded to the necessity of a strict insistence upon "the highest administrative standards," saying :

"The growth of our population and the necessary increase in our charitable and correctional work, the great enterprises under State control — our canals, our highways, our forest preserves — the protection of the public health, the problems created by the congestion of population in our great cities lead to a constant extension of governmental activity from which we cannot have, and we would not seek, escape. This extension compels the strictest insistence upon the highest administrative standards. If in administration we make the standard efficiency and not partisan advantage, if in executing the laws we deal impartially, if in making the laws there is fair and intelligent action with reference to each exigency, we shall

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disarm reckless and selfish agitators and take from the enemies of our peace their vantage ground of attack. It is my intention to employ my constitutional powers to this end. I believe in the sincerity and good sense of the people. I believe that they are intent in having government which recognizes no favored interests and which is not conducted in any part for selfish ends. They will not be, and they should not be, content with less."

Mr. Hughes immediately took up the consideration of the question of the relations of the public service corporations with the State and with its cities and towns, making the matter a prominent subject in his first annual message to the Legislature. He said in this message that proper means for the regulation of the operations of railroad corporations should be supplied. For want of it "pernicious favoritism" had been practiced, secret rebates had been allowed and there had been unjust discriminations in rates and in furnishing facilities for transportation. Those who had sought to monopolize trade had thus been enabled to crush competition and to grow in wealth and power by crowding out their rivals, who had been deprived of access to markets upon equal terms. These abuses were not to be tolerated. Congress had legislated upon the subject with reference to interstate commerce, where naturally the evil had been most prominent. But domestic commerce should be regulated by the State, "and the State should exercise its power to secure impartial treatment of shippers and the maintenance of reasonable rates."

As a means of supervising the affairs of the corporations with more strictness, Mr. Hughes proposed

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that two State commissions should be established; one to have control of the public utility corporations within the territory of Greater New York and the other in the remainder of the State—chiefly of that portion of the State north of the northern border of the city of New York. In support of this suggestion he summarized the powers of the existing Railroad Commission and said the scheme of regulation was inadequate.

Mr. Hughes also recommended that the Commission of Gas and Electricity should be abolished, with the Railroad Commission, and that "a new commission be constituted with powers of regulation and supervision, within constitutional limits, of the corporations now subject to the existing commissions." The new commission should have all the powers possessed by the existing commissions and such additional powers as might be needed to insure proper management and operation. Continuing his consideration of the institution of a new commission to supervise the railway, gas and electric light corporations, he said:

"Its powers should be clearly defined and should embrace the power to act upon its own initiative as well as upon complaint; to pass upon the issue of stocks and bonds; to examine properties, books, and accounts; to require detailed reports in prescribed form; to prescribe reasonable rates; to require adequate and impartial service; to provide for the safety of employees and for the protection of the public; and generally to direct whatever may be necessary or proper to safeguard the public interests and to secure the fulfillment of the public obligations of the corporations under its supervision."

Next Mr. Hughes considered the problem of transportation in Greater New York, which he declared

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demanded special, prompt and comprehensive treatment. The configuration of Manhattan Island and the concentration of business at its lower end, together with the rapid growth of population, had produced "an extraordinary congestion. All the existing lines," he added, "surface, elevated, and subway, are overburdened and the people suffer in mind, body and estate." Not only were new facilities needed, which should be planned with reference both to immediate and future needs, but there was urgent necessity for more strict supervision to secure better service on existing lines.

Mr. Hughes favored the abolition of the Board of Rapid Transit Commissioners and the substitution for it of a new board, clothed with the powers of the State Board of Railroad Commissioners, with supervisory powers over the surface lines and the elevated lines in the city, and of the Rapid Transit Commission, with its jurisdiction over the subways and its authority to make contracts for the construction and operation of transportation lines. The same new commission should have authority to regulate the gas and electric corporations of Greater New York. His recommendation was adopted by the Legislature of 1907, an act being passed creating two Public Service Commissions, one with authority over a "first district," containing the counties of New York, Kings, Queens, and Richmond, comprising the city of New York, and a "second district," including all the other counties of the State. The Governor, by and with the advice and consent of the Senate, was

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authorized to appoint five commissioners in each district. The act provided that the Governor might remove any commissioner for inefficiency, neglect of duty, or misconduct in office. The authority of the commissions was as outlined in advance in the Governor's annual message. The Public Service Commission of the first district was granted authority over the railroads, street railroads, and gas and electrical companies of Greater New York. A year later, in 1908, Mr. Hughes, in his annual message to the Legislature of that year, recommended that the Public Service Commission law should be extended to telephone and telegraph companies, but it was not until 1910 that such a law was passed.

Mr. Hughes, the first year of his administration, also gave expression to his views on the proposition, with specified exceptions, for a maximum passenger fare of two cents a mile upon the railways of the State. A bill before him authorized steam railroads less than 150 miles in length, which were not within the counties of New York and Kings, or within the limits of an incorporated city, to charge a higher maximum rate of three, four and five cents a mile, according to length of line, unless through consolidation, lease or control they formed part of a system whose combined lines exceeded 150 miles, in which case the provision for a maximum rate of two cents a mile should be applicable. Mr. Hughes said the bill had not been preceded by legislative investigation or suitable inquiry under the authority of the State. Nor was the fixing of this rate predicated on

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reports or statistics officially collated, "which would permit a fair conclusion as to the justice of its operation with reference to the railroads within its purview." He added: "It plainly reflects dissatisfaction with existing conditions and an effort to provide a remedy through arbitrary action." The bill represented a policy "seriously mistaken and pregnant with disaster," and he vetoed it.

In 1901, Mr. Hughes also vetoed an act making it unlawful for any railroad company to run any freight train composed of less than twenty cars with less than a full crew of six persons, or a light engine without cars without a crew composed of one engineer, one fireman, one conductor or flagman, when running a distance of ten miles or more from starting point. The bill, he said, took no account of the differences between the different roads and parts of roads, in trackage and switching facilities, and of the fact that what might be necessary in the case of some railroads might be wholly unnecessary in others.

In 1908, Mr. Hughes once more had to deal with a bill fixing a railroad rate. The bill provided in effect that no railroad company, other than a steam or trunk line railroad, should charge more than five cents for any continuous ride on the lines operated or controlled by it within any city or village, unless the Public Service Commission should give its consent to an additional fare. "It is plainly intended," said Mr. Hughes, "to affect charges over existing lines. It establishes a maximum rate of five cents without regard to the length of the route

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or the reasonableness of such a fare. In other words, it is an arbitrary maximum imposed by legislative fiat. But it is clear that if the rate is not a reasonable one and if the requirement would operate as a confiscation of the company's property, the Legislature cannot impose it."

In 1908, Mr. Hughes approved a bill authorizing the Public Service Commission of the first district, with the approval of the Board of Estimate and Apportionment of New York City, to purchase upon agreed terms lines of railway already constructed or in process of construction as rapid transit railways.

Mr. Hughes, in the course of a discussion of the election laws in his first annual message, in 1907, said that many suggestions had been made for the purpose of enlarging the freedom of political action through direct nominations as a substitute for nominations by conventions. He then added: "To provide an opportunity for a suitable trial of the system of direct nominations, I recommend that an amendment be passed providing with sufficient clearness that any general committee of a party may adopt a rule providing for direct nominations, and that thereupon voting at the primaries shall be upon an official ballot printed at the public expense." The Legislature, however, did not act.

In 1908, Mr. Hughes once more pressed the matter, declaring that there should be unrestricted opportunity for the expression of the wishes of the members of the party in the selection of candidates for office. Only in

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this way could healthy party activity be secured. "And," he continued, "in order that the enrolled voters should be encouraged to take part in party proceedings, and that the will of the party in the choice of candidates may be expressed and not defeated by a perversion of party machinery, I am in favor of direct nominations. I renew the recommendation made at the last session that provision should be made for such nominations at the primary of candidates for office." As before, however, the Legislature did not act.

In his annual message to the Legislature of 1909, the Governor took a more advanced position, namely, that the direct nomination system should be binding upon all political parties. In theory, he said, party candidates were selected by those who had been chosen by the party voters to represent them in conventions. In practice, the delegates to nominating conventions were generally mere pieces "on the political chess board," and "most of them might as well be inanimate so far as their effective participation in the choice of candidates is concerned." He then turned to another feature of the same matter :

"But the most serious consequence is to the people at large. To the extent that party machinery can be dominated by the few, the opportunity for special interests which desire to control the administration of government, to shape the laws, to prevent the passage of laws, or to break the laws with impunity, is increased. These interests are ever at work stealthily and persistently endeavoring to pervert the government to the service of their own ends. All that is worst in our public life finds its readiest means of access to power through the control of the nominating machinery of parties. Party organization

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needs constantly to defend itself from these encroachments, and the people for their proper security must see that the defenses are built as strongly as possible."

A bill was introduced in the Legislature by Senator Hinman and Assemblyman Green to carry out Governor Hughes' design for the creation of a compulsory direct nomination system, but after a long struggle in the Legislature over the measure it was defeated. The bill provided that the State committee of each political party, and the party committees in the lesser subdivisions, the congressional, senatorial, judicial, assembly, county, city districts, etc., should merely designate candidates for party nominations; and that the names of the men so designated should then be placed upon the ballot to be used on the official primary day. The bill also provided for the designation of a candidate for a party nomination or for election as a party committeeman by petition — that is, independently of the party committees. One thousand signatures were required for a petition designating a candidate for a State office. Accordingly, on primary day, the voter could have the choice of voting, for instance, either for the candidate for Governor designated by a State committee or for a candidate for Governor designated by petitioners. The bill prohibited the use of party funds for primary purposes.

In 1910, Mr. Hughes indicated his intention to persist in his attempt to persuade the members of the Legislature to pass a direct nomination bill by devoting a division of his annual message to a consideration of the subject.

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Senator Hinman and Assemblyman Green again introduced the direct primary bill, in an amended form, but after an extended debate it was again defeated. Previously, in 1909, a joint committee had been appointed by the Legislature to investigate the direct primary system of the several States. This committee, in 1910, reported adversely to the project. Following up this action a bill was passed, generally known as the Meade-Phillips bill from its sponsors, Senator Meade and Assemblyman Phillips, amending the primary law in other respects. This bill Governor Hughes, in advance of its receipt in the Executive Chamber, informed the Legislature he would not sign. Concerning it he said:

“ I have examined the provisions of this bill and I deem it important that before the adjournment of your honorable body you should be advised of my views with respect thereto and of the fact that for the reasons stated below the bill will not receive my approval.

“ The bill to which I have referred is not a grant but a denial of needed primary reform. It provides for State-wide enrollment, but it gives to the enrolled voter who does not make politics his vocation scant opportunity for effective participation in the decisions of his party. It provides for an official primary ballot, but its provision is of a sort to facilitate domination by party managers and thus to protect the plans and purposes of those who seek, through the control of the nomination of party candidates, to make the administration of government serve the interests of themselves and their allies.” .

While the Meade-Phillips bill was under consideration by the Legislature an attempt was made by Senator Cobb, president pro tem. of the Senate, to secure the passage of a compromise direct primary bill. In this measure the direct primary system was applied to the

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nomination of candidates for members of Congress and the Assembly and to the nomination of numerous county officers. The measure was passed by the Senate but failed to pass the Assembly. The Legislature then shortly afterwards adjourned without passing any direct nomination bill.

Mr. Hughes called an extraordinary session of the Legislature, to meet on June 20, 1910, and his first recommendation to the Senators and Assemblymen upon their reassembling was that a direct primary bill be passed. There was another struggle over a direct primary bill and again it was defeated.

Mr. Hughes, in his first annual message, called attention to the fact that in the mayoralty election in New York City, in 1905, over 600,000 votes were cast and that, according to the official canvass, George B. McClellan received a plurality of 3,474 over those cast for his chief opponent, William Randolph Hearst, and that an allegation of irregularities in the canvass had been made, but that the Court of Appeals held that the election law did not confer authority upon the election officers to reconvene after they had completed their canvass and to recount the ballots. There was no question but that widespread doubt was entertained as to the accuracy of the official canvass and that doubt should be removed. He therefore recommended that immediate provision be made for a recount of the votes cast for mayor at the municipal election in New York City in 1905. Later in the year 1907 the Legislature passed the bill and it was approved by the Governor.

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in annual message, called  
attention of the Legislature  
to the violation sternly of the Constitution  
against gambling. He described  
the situation and then said:

"It is the duty of the Legislature to enact  
laws against racing, book-making, and other  
gambling. . . . It has shown that the laws enacted  
so far do not cover the offense which the Constitution defines.  
. . . . The influences and, it may be added, the  
corruption of the constitution aimed, exist under the  
present constitution and increased through its provisions.  
. . . . The public health and welfare now existing rests on no distinction  
of color or race or creed. Public sentiment is against  
racing and book-making. . . . In the result that the laws against  
race-tracks have been defied, and the administration  
thereof brought into contempt."

On bills including the laws so as "to abolish the  
existing influences in favor of race-track gambling"  
introduced in the Legislature by Senator Agnew and  
co-sponsorized by

he subsequently later passed the bills to abolish race-  
track gambling, but they failed of passage in the Senate  
and Assembly. Mr. Hughes then called an extraordinary  
session of the Legislature, to meet on May 11, 1905 — the  
regular session had adjourned on April 23. Mr. Hughes  
had previously called a special election in the forty-seventh  
Senatorial district to fill a vacancy in the Senate caused  
by the death of the Hon. Stanislaus P. Franchot. In  
the interval before the Legislature reconvened Mr.  
Hughes visited Niagara and Orleans counties, composing

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the forty-seventh Senatorial district, and made a series of speeches on the issue of race-track gambling, favoring the election of a man as Senator who should vote in favor of the passage of the Agnew-Hart anti-race-track gambling bills. William C. Wallace was elected as Senator, and he subsequently voted for the bills alluded to. When the Legislature met, on May 11, Mr. Hughes informed its members that an election of Senator would take place in the forty-seventh district to fill the vacancy caused by the death of Senator Franchot. On the following day at this election Senator Wallace was chosen.

Upon June 8th the Governor was ready to act. Mr. Wallace having been sworn into office, and for what proved to be the last time he appealed to the Legislature for "the enactment of suitable legislation for the prevention of race-track gambling." He then said, in part:

"The issue has been clearly presented, whether the interests of those who wish to maintain gambling privileges at race tracks shall be considered paramount to the Constitution of the State. It is an issue which has been clearly defined and is fully appreciated by the people. It cannot be obscured by a discussion of the propensities of human nature. Race-track gambling exists, not because it is hidden or elusive, but as an organized business shielded by legislative discrimination. The law which professes to prohibit it in fact protects it."

The bills were passed later in the Senate under dramatic circumstances. Otto G. Foelker, a Senator from a Kings County district, coming to the Senate Chamber to cast his vote for the bills at the peril of his life, having recently undergone a severe surgical operation.

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Mr. Hughes, in the first month of his administration, asked Otto Kelsey, the Superintendent of Insurance, to resign his position. Mr. Kelsey, in reply, said he was unable to comply with the request. He declared that he had "served faithfully through months of overcrowding work and critical conditions arising from the San Francisco conflagration, affecting the branch of fire insurance and new statutes and changed circumstances resulting from the legislative investigation and report upon the affairs of life insurance." His official conduct had received the approval of Governor Higgins, and, he added, "has never been censured by any responsible person familiar with the facts and thereby appreciating the difficulties encountered." A plan had been determined upon for the reorganization of certain branches of the Insurance Department, which would be carried out with the assistance of the Legislature and Civil Service Commission. Information of this intention had also been given to Governor Higgins and had been approved by him. Mr. Hughes then summoned Mr. Kelsey to the Executive Chamber and publicly examined him in relation to the performance of his duties. Mr. Hughes then, on February 20, 1907, sent a message to the Senate recommending the removal of Mr. Kelsey from the office of Superintendent of Insurance.

In this message Mr. Hughes made it plain that one of the causes of his dissatisfaction with Mr. Kelsey's administration of the Insurance Department was the retention by the latter for months after he assumed

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charge of the Department, of certain officials in charge of the branch of the department in New York City—the location also of the offices of the great insurance companies subject to the supervision of the Department. He said :

“I recommend the removal of Otto Kelsey from the office of Superintendent of Insurance.

“With respect to life insurance, New York is easily the most important jurisdiction in the United States, if not in the world, and the vast interests involved imperatively require, and it should be a point of honor for the State to maintain, a fearless and efficient administration of its supervising department, commanding the confidence of the people.

“I recommend Mr. Kelsey’s removal because as head of this Department he has conspicuously failed to perform obvious duties of the first importance, and his neglect has demonstrated his unfitness for the trust confided to him.

“Mr. Kelsey took office on the 11th day of May, 1906. His appointment was made soon after the investigation by the joint committee of the Legislature, which disclosed gross irregularities in the management of life insurance corporations. Official position had been used for private gain, and the money contributed by the policy-holders for their mutual protection had been wasted in a scandalous manner. Extravagant salaries had been paid, favorites had been permitted to enrich themselves at the expense of the policy-holders, an elaborate system had been established for the purpose of controlling legislation in this State and throughout the country and enormous sums had been secretly disbursed without proper vouchers.

“The revelation of these grave abuses in connection with our greatest fiduciary institutions shocked the civilized world, and by the discredit which justly attached to the administration of the Insurance Department humiliated our State.

“During the period of these abuses every life insurance corporation doing business within the State was required by law to make annual reports, to give prompt and verified reply to all inquiries of the Superintendent, and was subject to the examination of the

Mr. Hughes, in the first month of his term, asked Otto Kelsey, the Superintendent of Insurance, to resign his position. Mr. Kelsey was unable to comply with the request, as he had "served faithfully throughout the most trying work and critical conditions of the San Francisco conflagration, affecting both old and new statutes and

from the legislative :  
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"has never been

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the assistance

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Executive

to the p

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members

Senate

considered a large number of com-

plaints against public officials, removing some on these

complaints and dismissing the complaints against

others. He was removed from office John F. Ahearn,

of Brooklyn, New York City,

and J. Haffen, president of the borough of The

City. Upon such  
upon the exami-  
by the chief  
Committee  
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not concur in the

for the removal of

in the negative by a

August 5, 1907. Upon August

an investigation of the

date appointing Mat-

work, "to examine and inves-

affairs of the Insurance

Wong's report, together with the

mission. It was transmittted to the Senate

with a message recommend-

him. M.

February 26, 1908, voted on the question,

should he removed from the office of Super-

intendent?" and it was decided in the

vote of 19 to 30.

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new York. He dismissed complaints against  
W. J. Jerome, district attorney of New  
York; William Leary, state superintendent of  
the Metropolitan Elections District; against  
John Ley, jr., sheriff of Saratoga County; against  
John Besch, sheriff of Albany County; against Luke  
J. Evoy, county clerk of Cortland County, and  
against T. Stanley Day, sheriff of Chemung County.  
A complaint was made against Joseph Bermel, presi-  
dent of the borough of Queens, and a commissioner  
was appointed to take evidence in relation to the mat-  
ter, but Mr. Bermel resigned his office before the  
investigation had fairly begun. Mr. Hughes would not  
entertain charges which were presented to him against  
Elias P. Mann, mayor of Troy. Complaints were  
received against George B. McClellan, mayor of the  
city of New York, and against Theodore A. Bing-  
ham, police commissioner of the same city, but after  
briefs in answer to the complaints had been filed the  
Governor took no further action concerning the charges.  
He also declined to entertain charges against Bird  
S. Coler, president of the borough of Brooklyn, New  
York City.

Mr. Hughes, on February 16, 1910, appointed  
Roger P. Clark, counsel to the Governor, and H. Leroy  
Austin, district attorney of Greene county, "to examine  
and investigate the management and affairs of the Forest,  
Fish and Game Commission and of the Forest Purchasing  
Board," the Forest Purchasing Board being the body

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authorized to acquire lands in the Adirondack and Catskill parks under the forest, fish and game law. Mr. Clark and Mr. Austin submitted their report on the result of their investigation on October 1, 1910. Upon October 3, 1910, James S. Whipple, forest, fish and game commissioner, tendered his resignation to Mr. Hughes, saying in opening his letter:

"I have read the report of the Commission appointed by you to investigate the administration of the Forest, Fish and Game Department. As a result of the criticisms made of my department I desire to tender my resignation, to take effect at once. This is not the time to discuss either the facts or the conclusions set up in the report, but I do emphatically deny the truth of the facts stated and disagree from the conclusions reached. I recognize, however, that as a result of this report my usefulness to the State in this department has been destroyed."

Mr. Hughes, in his letter accepting Mr. Whipple's resignation, said:

"It is impossible for me adequately to express the regret that I feel at the conditions which the investigation of your department has shown to exist. Your work had been strongly commended to me by those who are interested in the protection of the forests and in the conservation of the State's interest in these important resources. You should have full credit with respect to those matters in which there has been increased efficiency, and I desire to believe, and I accept your statement, that you have not been guilty of wrong intention. But the conditions which have been shown to exist cannot be ignored and must be immediately rectified. Your resignation is accepted and under the statute took effect when it was received and filed in this office."

Mr. Hughes' administration brought about the creation of a State Commission specially entrusted with the maintenance and construction of State roads, a duty

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hitherto entrusted to that busy official, the State Engineer and Surveyor, who already had on his hands the engineering work of the great barge canal. In his first annual message, in 1901, Mr. Hughes stated that the Constitutional amendment of 1905 authorized an indebtedness not exceeding \$50,000,000 for the improvement of highways, and that for the first time the State had undertaken the construction and maintenance of roads in a systematic manner. Surveys and plans for the improvement of about 2,500 miles of main roads had been approved of by various boards of supervisors throughout the State, and of these 2,500 miles about 800 miles had been constructed, and in addition between 500 and 600 miles were under contract and would be completed during 1907.

In 1908, Mr. Hughes, in his annual message, said that 385 miles of State roads had been built and 564 miles in addition had been contracted for during 1907. Plans were ready for 1,093 miles of road, and it was understood that of these last bids would be received in January, 1908, for 201 miles and that the remaining 892 miles represented roads for which the counties had already appropriated their share of the cost of construction, but for which contracts could not be let until an appropriation of the State's share had been made by the Legislature. In making the large expenditure which was contemplated for improved highways the object was to execute a comprehensive plan in the interest of the whole State, "furnishing through lines connecting centers of population and proper lateral lines to provide each section with adequate means of communication."

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In a special message, which Mr. Hughes addressed to the Legislature on April 9, 1908, he urged upon that body the importance of the enactment of a law consolidating the highway statutes and providing a suitable scheme for the construction and maintenance of highways. An act was passed and signed on May 19, 1908, establishing a Department of Highways with three commissioners, one of whom was to be a member of the minor political party in the State. The new commissioners were to be appointed on or before January 10, 1909, and thus would be appointed, it was apparent, by the incoming Governor of the State. As it happened, this Governor was Mr. Hughes himself. The State Highway Commission, it was stated, was to have general supervision of all highways and bridges which were constructed, improved or maintained in whole or in part by the aid of State moneys.

While Mr. Hughes was Governor the work on the barge canal, to cost \$101,000,000, went steadily on. In his first annual message he stated that the total obligations incurred, together with expenditures made in connection with the barge canal to December 1, 1906, amounted to \$15,149,482.65. In his annual message for 1908 Mr. Hughes said that the canal improvement work under contract amounted to \$22,400,000; that contracts had been awarded during 1907 amounting to \$7,067,000; and that plans had been finished for the award of contracts amounting to \$7,042,000.

In his annual message for 1909, Mr. Hughes gave a hint, to one reading between the lines of his message,

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that he thought the division of responsibility for the construction of the canal did not center responsibility for the rate of progress of the work and added: "Provision of artificial waterways suitably constructed is vital to the commerce of the State, and the improvements now in progress should be expedited with the utmost dispatch consistent with intelligent planning and proper execution."

In his final annual message, that of 1910, Mr. Hughes again spoke with emphasis on the need of hastening the work on the barge canal, saying: "This enterprise should be pushed to completion as speedily, as economically and as efficiently as possible."

Mr. Hughes early manifested an interest in the protection of the forests and the preservation of the water powers of the State, saying in his first annual message that there had been a general recognition in recent years of the vast importance to the State of the preservation of its forests and that the State had pursued the policy of acquiring forest tracts "to prevent the irreparable loss which would be occasioned by their devastation and conversion to private uses." This policy, he said, should be continued, and as rapidly as possible and so far as might be necessary to accomplish its purpose the State should extend its holdings. It was well also to consider "the great value of the undeveloped water powers thus placed under State control." He continued: "They should be preserved and held for the benefit of all the people and should not be surrendered to private interests. It would be difficult to exaggerate the advantages which

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may ultimately accrue from these great resources of power if the common right is duly safeguarded."

In 1908, Mr. Hughes was able to report to the Legislature in his annual message that 46,156 acres of forest land had been purchased and contracted for by the Land Purchasing Board, in 1907, making the total land held by the State 1,518,450 acres, of which 1,454,383 acres were in the Adirondacks and the remainder in the Catskills.

In 1908 still further progress was made in the enlargement of the State's forest domain, 107,310 acres being either purchased or contracted for during the previous year. But there was a dark side to this picture, Mr. Hughes stating in his annual message of 1909 that 177,000 acres of public and private lands had been burned over, and that it was estimated that the actual pecuniary loss, for the most part in standing timber, was nearly \$650,000. The measure of protection to the forests was far from adequate. There should be a more effective system of patrol. The present constitutional provision, insofar as it prevented the proper care and nurture of the forest preserve, interfered with its own object. He added: "The time must shortly come when no longer having reason to fear the grasp of the selfish hand and having settled the inviolability of the public interest in our priceless forest possessions we shall make possible their scientific protection and their proper utilization for the public benefit." In the same message he declared that it had been estimated by the Water Supply Commissioners

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that, excluding Niagara and the St. Lawrence, the rivers of the State, with the proper storage of their flood waters, were capable of furnishing at least 1,000,000 horse power for industrial purposes, and it was deemed clear that 550,000 horse power of energy was annually allowed to run to waste because no well-devised and comprehensive plan for the general and systematic development of water powers had been undertaken by the State. He continued: "We now have within our grasp an opportunity which for the sake of the industrial freedom and prosperity of the future we should not permit to be wasted. These great natural sources of power should not only be developed in a manner which the State alone can make possible, but should be held for the benefit of the people under conditions which will ensure the protection of the common right and fair return for privileges granted."

In 1910, Mr. Hughes, in his annual message, urged the creation of a State debt, to be represented by long-term bonds, for the purchase of forest lands to an enormous quantity.

Mr. Hughes, in his annual message for 1907, said, addressing the Legislature :

"It is my privilege also to lay before you the public-spirited proposal of the Honorable William Pryor Letchworth to convey to the people of the State of New York 1,000 acres of land, approximately, situated in the town of Genesee Falls, Wyoming county, and the town of Portage, Livingston county, upon which Mr. Letchworth now resides. He desires to dedicate the land to the purpose of a public park or reservation, subject to his life use and tenancy and his right to make changes and improvements thereon."

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The Legislature of 1907 passed an act accepting the gift. In signing the bill, Mr. Hughes appended the following memorandum to it: "This gift to the people is an act of generosity which fitly crowns a life of conspicuous public usefulness, and entitles the donor to the lasting regard of his fellow citizens." Mr. Letchworth died in 1910 and under the terms of the act his fine property then came into the possession of the State.

Mr. Hughes, on April 4, 1910, informed the Legislature that Witherbee Sherman & Company (Incorporated), of Port Henry, proposed to convey "to the State the tract of land at Crown Point, about twenty-five acres in extent, which comprises the ruins of the fortifications known as Fort St. Frederic and Fort Amherst." He favored the acceptance of the gift, and an act to that effect was passed.

Mr. Hughes had the "great pleasure," to quote his annual message of 1910, to announce to the Legislature that year that "in accordance with the wishes of the late Edward H. Harriman, his widow, Mary W. Harriman, has informed me of her readiness to convey to the State a tract of about 10,000 acres of land, situated in Orange and Rockland counties, to be held in perpetuity as a State park, and in furtherance of the same object to give to the State or to such board or commission as may be authorized to receive and administer the trust, the sum of one million dollars." This fund, Mrs. Harriman had stated, it was her husband's wish and her expectation should be used by the State to acquire other parcels of

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land adjacent to the land given for a park, and intervening between it and the Hudson River and in the improvement of the whole, so that the park might ultimately have some portion of river front, "and thus by improved accessibility be rendered more useful and more beneficial to the people of New York City and the neighboring counties."

He further stated that there had been additional gifts to the amount of \$1,625,000, which were intended to supplement that of Mrs. Harriman, for the purchase of land for the proposed park. One stipulation made was that the State of New York should appropriate \$2,500,000 to the use of the Palisades Park Commission, who were to be charged with the duty of carrying out the proposed plan for a great park on the Hudson River embracing the land included in the Harriman Park and whatever land might be subsequently purchased. The Legislature subsequently passed a bill referring to the people at the fall election of 1910 the question of bonding the State to the amount of \$2,500,000 for the purchase of the land and the building of roads and for general park purposes. The voters of the State, at the general election of 1910, approved by a majority of 63,370 the proposition to bond the State to the amount of \$2,500,000 to make the purchase.

In his annual message for 1910, Mr. Hughes called attention to a coming report of the Water Supply Commission on the result of its investigations under the act of 1907 relating to the development of the water powers

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of the State. An exhaustive examination, with the assistance of competent engineers, he said, had been made of the Hudson, Genesee and Raquette river watersheds. Four great reservoir projects had been examined, so as to furnish full detail with regard to location and design of dams and power plants, lands involved, cost and probable revenue and benefits. Mr. Hughes then defined the principles he believed should be accepted in developing the water powers of the State. One of these principles was that the State should not undertake any plan of regulation or water power development save upon a basis "which would make its investment a fair and reasonable one from the public standpoint by virtue of practicable measures for ensuring such a return upon the State's outlay as would be equitable in the particular circumstances."

Mr. Hughes, upon taking office on January 1, 1907, and shortly afterward submitting his first annual message to the Legislature, reported that during the year ending September 30, 1906, the State had received from all sources \$35,596,966.92; that the total payments had been \$30,350,096.21; that the actual available balance or surplus on October 1, 1906, amounted to \$11,291,445.29, and that the total appropriations in force on October 1, 1906, for the ensuing fiscal year to provide for the ordinary expenses of government and other purposes (exclusive of trust funds, sinking funds, the construction of the barge canal and highway improvement) amounted to \$28,880,770.71. No State tax having been levied for

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the annual contribution to the canal debt sinking fund or to the highway improvement fund to provide for the payment at maturity of the canal and highway debts, to the amount of the appropriations mentioned, there should therefore be added these contributions from the general funds, making the total amount of appropriations for the year beginning October 1, 1906, \$34,190,768.31.

Upon the termination of the legislative session in 1907, Mr. Hughes, after signing the supply bill, appended a memorandum, in which he made the following statement:

The total appropriations (exclusive of canal sinking fund, barge canal, and highway improvement fund) made by the Legislature this year amount to \$29,920,216.91  
Bills and items disapproved by me amount to ..... 1,069,361.45  
Leaving a total of ..... \$28,850,855.46  
As compared with the appropriations of 1906 ..... 26,978,928.29  
This shows an increase of ..... \$1,871,927.17

In 1908, in reviewing the financial legislation of the year, Mr. Hughes said in his memorandum regarding the supply bill :

The total appropriations, according to the Comptroller's statement (exclusive of canal and highway sinking funds and highway improvement fund), which have been made by the Legislature this year amount to ..... \$29,598,872.14  
Bills and items disallowed by me amount to ..... \$609,041.63  
Of this, the following amount for building on the Comstock site was a reappropriation ..... 50,000.00 ..... 559,041.63  
Leaving a total of ..... \$29,034,830.49  
As compared with the appropriations of 1907 ..... 28,867,855.46  
This shows an increase of ..... \$166,975.03

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At the close of the session of the Legislature of 1909 Mr. Hughes found it necessary to disallow a far larger amount of appropriations than in previous years. In 1907 he had disallowed bills and items appropriating money amounting to \$1,089,361.45; in 1908, bills and items amounting to \$609,041.65; in 1909 the bills and items disallowed by him reached the great total of \$4,488,886.06; in 1910, to complete the consideration of this subject, he disapproved appropriation bills and items appropriating money amounting to \$4,718,747.67. The total appropriations made by the Legislature of 1909 (exclusive of reappropriations, of contributions to canal and highway debt sinking funds and of payments from the sinking funds, from sundry trust funds, and from proceeds of bond sales) amounted to \$38,456,909.99. Deducting the \$4,488,886.06 disallowed, the appropriations allowed were thus \$33,968,023.93. To this there should be added contributions from the general fund in lieu of a direct tax to the canal debt sinking fund amounting to \$1,044,000 and to the highway debt sinking fund of \$1,053,200, or a total of these contributions amounting to \$2,097,200 — making the grand total of the appropriations \$36,065,223.93, as compared with a grand total of appropriations and contributions to the sinking fund amounting to \$35,601,201.29 ; or an increase in 1909 of \$464,022.64.

Mr. Hughes said, in a memorandum, that the appropriations made by the Legislature of 1909, exclusive of sinking fund contributions, exceeded in amount the

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appropriation bills approved by him in 1908 by \$9,147,508. Extensive reductions had been imperatively required; he had vetoed items in the supply bill amounting to \$956,236.06; in the appropriation act to \$107,000, and an appropriation for the education building amounting to \$1,000,000. In all \$4,488,886.06 had been disapproved, and yet, despite these reductions, the total budget, exclusive of sinking fund contributions, exceeded that of 1908 by \$4,658,622. Fortunately, under a statute which had been passed, a large saving had been effected in the contributions to the canal debt sinking fund. The net increase over 1908 appropriations, including the contributions to the sinking funds, thus amounted only to \$464,022.64.

In 1910, the total appropriations made by the Legislature, exclusive of reappropriations, payments from sinking funds, from trust funds, and from proceeds of bond sales and bond issues, amounted to \$46,970,571.93. These included contributions from the general fund in lieu of a direct tax to the canal debt sinking fund and to the highway debt sinking fund, amounting to \$2,655,600. The amount of the other appropriations was \$44,314,971.93; the bills and items disapproved by him amounted to \$4,713,747.67, making the total of appropriations, exclusive of sinking fund contributions, as approved, \$39,601,224.26; as compared with the total appropriations of 1909, as approved, of \$36,242,129.69, which included contributions to the canal and highway debt sinking funds of \$2,097,200, showing an increase of appropriations in 1910 over 1909 of \$5,456,294.57.

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Mr. Hughes said in a memorandum that he disapproved items in the supply bill amounting to \$1,283,-949.11; in the general appropriation bill, amounting to \$77,600; in a special bill relating to the charitable institutions, amounting to \$617,800; and a special bill relating to hospitals for the insane, amounting to \$629,670. The total of the items disapproved was \$4,713,747.67. The increase in the appropriations for the year 1910 was caused by an increase in the salaries of justices of the Supreme Court, under a constitutional amendment, amounting to \$540,600; an increase in the appropriations for common schools and normal schools, amounting to \$325,000; the passage of a special bill to pay off an accumulated deficiency in the maintenance of hospitals for the insane, amounting to \$1,231,139.28; an increase of \$699,754 in the appropriation for the maintenance of hospitals for the insane during the ensuing year; an increase of \$526,210.46 in the appropriation for highway construction and maintenance, apart from the proceeds of bonds; an increase of \$600,000 in the amount allowed for grade crossings; an increase in construction items, land, buildings, and equipment, amounting to \$858,738.-62; and other items which brought up the increase to \$5,494,430.12.

The Legislature having met to hold an extraordinary session on June 20, 1910, Mr. Hughes recommended for its consideration "the subject of the financial condition of the State and the best means to provide additional

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revenue," and reviewed at length the financial affairs of the State. In beginning it he said:

"In the appropriation bills passed by the Legislature, I have disapproved items amounting to \$4,713,747.67, reducing the amount of the appropriations (exclusive of contributions to the sinking funds) to \$99,601,224.26. But to ascertain the entire charge upon our income, the contributions to the sinking funds (\$2,655,600) must be added to the appropriations as approved, and we thus have a total of \$42,256,824.26. This is from \$5,000,000 to \$6,000,000 in excess of the amount which we have a right to assume will be received by the State, during the next year, as income available to meet the appropriations to which I have referred. In dealing with this situation we ought not to look entirely to the State's surplus moneys, for they are no greater than we should have as a reserve against contingencies."

Mr. Hughes added that the demands upon administration were continually increasing. The number of those who should be cared for in the hospitals for the insane were increasing, he was informed, at the rate of about one thousand a year. On the basis of three thousand to a hospital this would mean a new hospital every three years. Several of the hospitals were shockingly overcrowded. The demands on the part of charitable institutions for increased accommodations were very heavy. The prisons were overcrowded. The policy of road improvement carried with it not merely the construction of new roads but road maintenance, which under existing conditions of travel and by reason of neglect in the past required large expenditures. Mr. Hughes continued :

"When the bond issues for the canal and highway improvements were voted, the people under the constitutional provision authorized

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a direct tax sufficient to provide an amount annually which would take care of the interest and pay the principal of the bonds at maturity. In recent years this direct tax has not been levied and contributions from the general receipts of the State have been made to the sinking funds. By the legislation of last year the excessive amount previously required was reduced to the actual need. But even with this reduction we appropriate this year out of the general funds \$2,655,600 to these sinking funds in lieu of a direct tax. As the canal and highway improvements proceed and larger issues of bonds are made, the amount required annually for the sinking funds will be so large that it will be absolutely impracticable to make the contributions from the general fund. In four or five years the annual requirement, if all the bonds are issued, as is expected, will probably be as high as \$8,000,000. It may not be necessary at this time, in view of the smaller amount of the contributions now required, to go back to a direct tax for this purpose, but it will soon be necessary. I may add that my reflection upon this matter has led me to the conclusion that when the people authorize a bond issue upon a basis of a direct tax to pay the bonds, that direct tax should be imposed."

Mr. Hughes added that the question recurred, however — What should be done to meet the difference between the estimated income for the next year and the appropriations? With this in view the Legislature had passed a "progressive inheritance tax." He continued:

"Such a method of taxation has, I believe, the support of sound economists and of an intelligent public opinion. The objection lies to the method of graduation. The progressive rate appears to depend not upon the amount of property or the interest received by the individual transferee, but upon the size of the whole estate passing to those who are not exempted from the provisions of the law. \* \* Our present law, having no system of graduation, but distinguishing merely between those intimately related to the deceased and collaterals and strangers, does not evoke the sense of injustice as would inevitably the new system."

The Legislature passed an act in conformity with the Governor's suggestions, which he later signed.

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Mr. Hughes announced, upon the assembling of the Legislature of 1907, that the total State debt on September 30, 1906, was \$10,630,660; to the Legislature of 1908 that it had increased to \$17,290,660; to the Legislature of 1909 that it had increased to \$26,220,660, and to the Legislature of 1910 that it had increased to \$41,230,660. This increase was solely due to the issue of bonds for the canals, for highway improvements and for the Adirondack Park. On September 30, 1906, the debt was distributed as follows: Canal bonds, \$10,230,660; Adirondack Park, \$400,000; total, \$10,630,660. On September 30, 1907, it was distributed as follows: Canal bonds, \$15,230,660; Adirondack Park, \$200,000; highways, \$1,860,000; total, \$17,290,660. On September 30, 1908, it was distributed as follows: Canal debt, \$20,220,660; highway debt, \$6,000,000; total, \$26,220,660. On September 30, 1909, it was distributed as follows: Canal debt, \$30,230,660; highway debt, \$11,000,000; total, \$41,230,660. Mr. Hughes stated, however, in his annual message for 1910, that on September 30, 1909, the sinking funds for the canal and highway debts aggregated \$22,056,269.70, the debt in excess of the sinking funds thus being \$19,174,390.30.

In his first annual message, Mr. Hughes recommended that the Labor Department should be put on a better footing. Provision should promptly be made to increase the efficiency of the department by thoroughly equipping it for its work. There was urgent need for more inspectors. He also recommended to the Legislature

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the consideration of the important subject of child labor. Children under sixteen should have an eight-hour day. In order to protect children against dangerous employments there should be a more precise prohibition specifying the occupations in which children under sixteen should not be employed. In 1908 Mr. Hughes said the efficiency of the Labor Department had been materially increased by the reorganization effected under the legislation of 1907. In 1909 Mr. Hughes recommended that provision be made for special and expert inquiry into the questions relating to employers' liability and compensation for workmen's injuries. In 1910 Mr. Hughes, in his annual message, said that under legislation passed in 1909 a commission broadly representative in character had been appointed and authorized to make full inquiry with respect to industrial accidents and their causes and also into the causes of unemployment and the means of securing a better distribution of labor. The work of the commission should be supported and it was to be hoped that its labors and recommendations might lead to the adoption of comprehensive measures which would avoid "the present waste and injustice and promote contentment and prosperity by securing improved conditions for those engaged in industrial occupations." Mr. Hughes, on June 25, 1910, approved a bill drawn up by the Commission referred to containing a plan of compulsory compensation, applicable to certain dangerous employments, as amended in certain particulars by the Legislature.

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Mr. Hughes, in his annual message for 1907, said that he believed "the best form of ballot is that in which the names of the candidates for the officers appear but once grouped under the names of the officers. I recommend that such a ballot, with appropriate designation of party, opposite the candidate's name, should be adopted. The fact that we are accustomed to another form of ballot in New York has given use to objections which experience in other States has shown to be without weight." In 1908, 1909 and 1910, in his annual messages for those years, he repeated this recommendation.

Mr. Hughes, on January 5, 1910, transmitted to the Legislature a proposed amendment to the Constitution of the United States, as follows :

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

Commenting in his message to the Legislature upon this proposal, Mr. Hughes said :

"The power to lay a tax upon incomes, without apportionment, was long supposed to be possessed by the Federal government and has been repeatedly exercised. Such taxes were laid and paid for the purpose of meeting the exigencies caused by the Civil War.

\* \* \* \*

"I am in favor of conferring upon the Federal government the power to lay and collect an income tax without apportionment among the States according to population. I believe that this power should be held by the Federal government so as properly to equip it with the means of meeting national exigencies. But the power to tax incomes should not be granted in such terms as to subject to Federal taxation the incomes derived from bonds issued by the State itself,

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or those issued by municipal governments organized under the State's authority. To place the borrowing capacity of the State and of its governmental agencies at the mercy of the Federal taxing power would be an impairment of the essential rights of the State which, as its officers, we are bound to defend.

"I therefore deem it my duty, as Governor of the State, to recommend that this proposed amendment should not be ratified."

The proposed amendment was not ratified by the Legislature.

In his annual message for 1907, Mr. Hughes stated that at the session of the Legislature of 1906 several statutes had been passed with the object of furnishing more secure protection to the policy-holders in life insurance corporations. Many of the provisions of these laws had just become effective. These statutes were enacted after a very careful consideration of the questions involved, and the policy they reflected should be fairly tried and should be impartially judged in the light of sufficient experience. Of special value to the policy-holders were the provisions requiring publicity with respect to the essential details of management, and it was believed that with this safeguard and under the restrictions that had been imposed the business of life insurance had been placed upon a secure foundation.

In 1908, Mr. Hughes recommended to the Legislature that while any suggestions of amendments to the insurance law should receive proper consideration there should be extreme caution in making any changes and no changes should be made unless it clearly appeared that they were needed to conserve the interests of the

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policy-holders. The same year, a little later, Mr. Hughes vetoed a bill authorizing insurance companies to increase their outlays for procuring new business. It was proposed, he said, that the amount available under the law for this purpose should not be charged with the amounts expended for medical examinations and for inspection of proposed risks. This could not be justified, as it would permit unwarrantable outlays and facilitate a return to the injurious conditions of previous years. The abuses which had arisen through the promise of bonuses and rewards of various sorts for obtaining a given amount of business made it advisable to impose the existing restrictions. He added:

"Much has been said with regard to the reduced amount of business written by the New York companies during the past year in which the present restrictions were operative. It is unnecessary to attempt a statement of all the causes which produced this result. It is desirable, of course, that new business to a normal extent, based upon normal cost, should be obtained. There is no sufficient reason to doubt that it will be. But there are other matters which also must be taken into consideration. It is useful to note the gains which have resulted from economies and reduced pressure \* \* \* The gains from economical management have already been reflected in largely increased amounts set apart for payment in dividends, and the policy-holders will reap large benefits from the reduction of expenses. Proper conservatism will vindicate itself, and the New York companies, as their improved condition becomes known, will not suffer but rather gain from comparison with those which operate more extravagantly."

In 1909, Mr. Hughes said in his annual message for that year that provision should be made for the valuation of securities held by insurance companies upon a fairer

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basis, that is, with due regard to their investment value, so that the companies might be saved an apparent impairment due to temporary fluctuations in market quotations, which could not fairly be taken to represent actual losses. Mr. Hughes in 1909 approved of a bill amending Section 97 of the insurance law with regard to commissions on renewal premiums and collection fees. It extended the period over which renewal commissions might be paid from nine to fourteen years, allowing renewal commissions during the additional years in an amount not exceeding five per cent.

In 1910 Mr. Hughes sent a message to the Legislature on April 8 enclosing a letter he had received from William H. Hotchkiss, superintendent of insurance, in which that official declared that an examination of the Phoenix Insurance Company, begun the previous October, had brought to light a mass of correspondence "seeming to disclose an intimate relation between the president of that Company and legislation affecting fire insurance companies during the last decade." Mr. Hotchkiss continued: "The material thus revealed suggested an examination of the books and records of several other companies, and in January of this year such examination was ordered. This examination showed that very considerable sums of money had been paid by a large number of domestic fire insurance companies and disbursed by or through the president of the Phoenix Company in promoting or retarding legislation."

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**Mr. Hughes in his message thus commented upon Mr. Hotchkiss' statements:**

"The revelations in the inquiry recently conducted by the Senate, and the facts brought to light by the Superintendent of Insurance, make it imperative that there should be a thorough investigation with respect to legislative processes and as to the corrupt practices which have been effectual in advancing or blocking legislation. It is not necessary for me to review these disclosures or to attempt to appraise their cumulative effect. It is sufficient to say that they have caused every honest citizen to tingle with shame and indignation and have made irresistible the demand that every proper means should be employed to purge and to purify.

"It is the high privilege of the Legislature, in the discharge of its obligations to itself and to the people of the State, to follow the salutary action already taken in its upper branch by appropriate steps for the exposure and destruction of combinations and conspiracies against the just use of the law-making power and by providing suitable protection against the recurrence of such abuses. This is a promising opportunity to pursue the opening trails of corruption, to reveal illicit methods and agencies, to uncover the perfidious influences which have dishonored the State and thus to aid in securing the wholesome exercise of its beneficent authority. \* \*

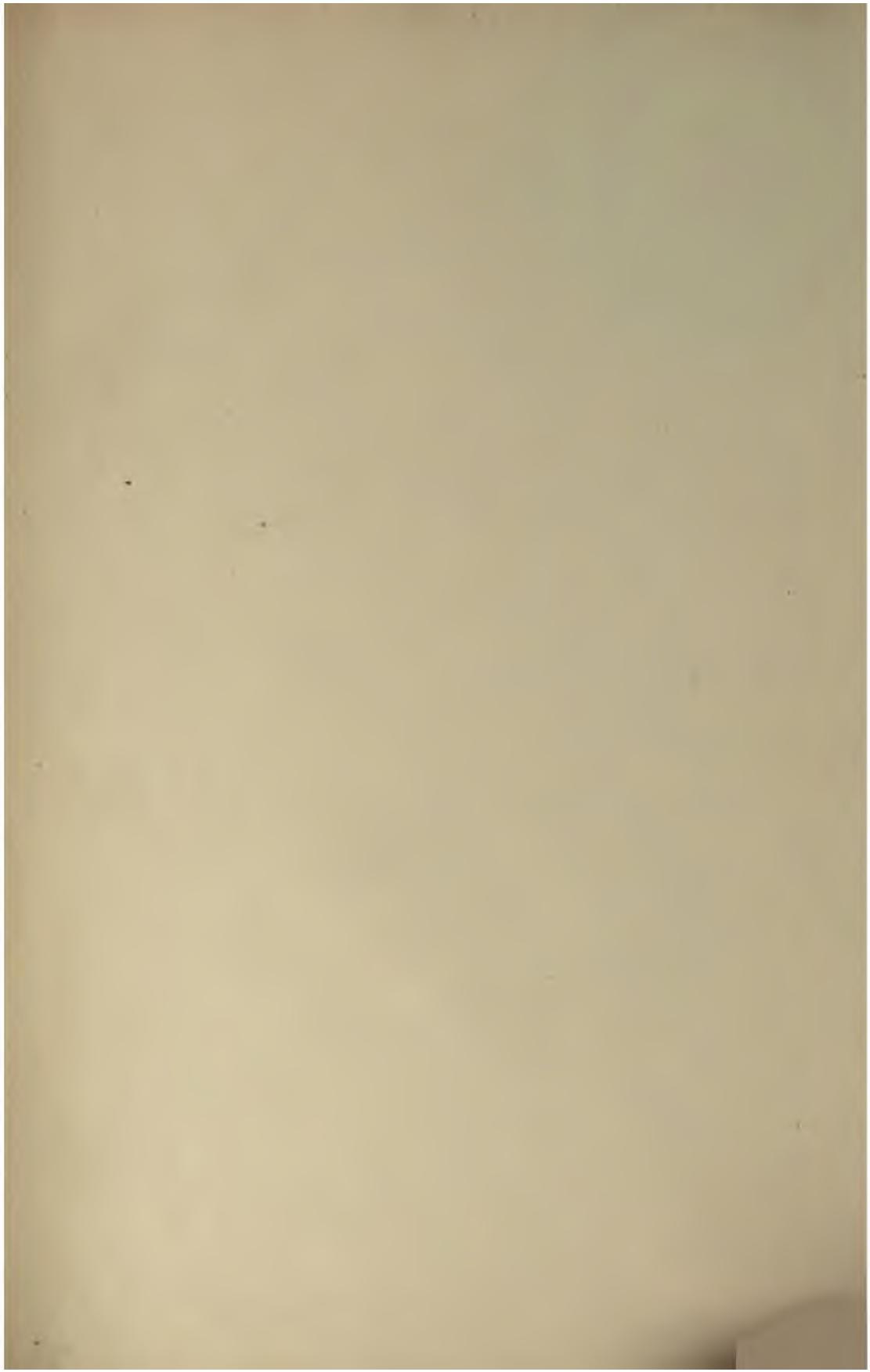
"I therefore recommend an immediate, impartial, thorough and unsparing investigation into legislative practices and procedure and into the use of corrupt or improper means for the promotion or defeat of legislation, such inquiry not to be limited to but suitable to embrace the matters adduced in the recent proceeding by the Senate and those presented by the report herewith submitted of the Superintendent of Insurance, in order that, so far as evidence may be obtainable, the actual facts may be known, that there may be a full understanding of the methods and agencies employed in connection with legislative proposals, and that well considered recommendations for appropriate remedies may be made."

**Mr. Hughes, at an extraordinary session of the Legislature of 1910 beginning on June 20, 1910, recommended that more ample authority be given the**

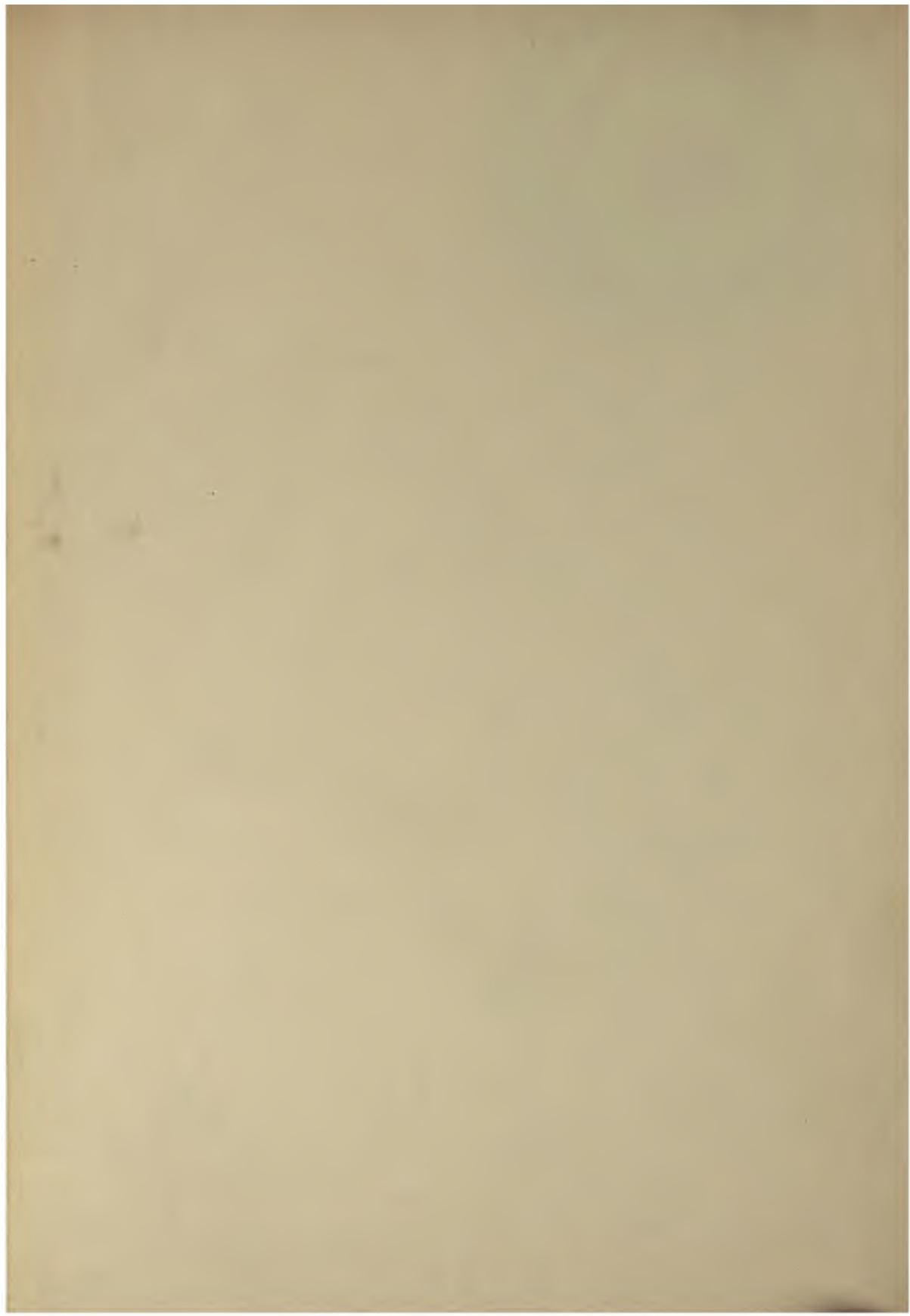
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committee of the Legislature which the presiding officers had been authorized to appoint to investigate into corrupt and improper practices in connection with legislation. The Legislature, however, did not adopt Mr. Hughes' recommendation.

Mr. Hughes, it is obvious, began his administration of the State's affairs with "insurance reform" as one of his chief mottoes. He ended his administration, it is also obvious, with "insurance reform" still one of his chief mottoes.









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